

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ANTHONY WRIGHT,)
Plaintiff,)
vs.)
KENNETH E. LASSITER,)
Defendant.)
)
)

AUGUST 24, 2017
BENCH TRIAL - DAY 1
BEFORE THE HONORABLE JAMES C. DEVER III
CHIEF UNITED STATES DISTRICT JUDGE

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1

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Raleigh, North Carolina
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NUMBER	RECEIVED
1	72
3	78
4	13
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2	NUMBER	RECEIVED
3	2 and 7	238
4	4 and 11	212
5	8, 9 and 10	239
6	11, 12, 13	280
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(Thursday, August 24, 2017, commencing 9:00 a.m.)

P R O C E E D I N G S

THE COURT: Good morning and welcome to the United States District Court for the Eastern District of North Carolina.

We're here today for the trial in Wright v. Lassiter.
I've read all the materials.

Any preliminary matters from the plaintiffs?

MS. MILES: No, Your Honor.

THE COURT: Any preliminary matters from the defense?

MS. GRANDE: No, Your Honor.

12 THE COURT: All right. The plaintiff may call its
13 first witness.

14 MS. MILES: Your Honor, may I give a brief opening
15 statement?

16 THE COURT: I read all the proposed findings. I'm
17 ready.

MS. MILES: We call Ms. Sandra Dunston.

THE COURT: Thank you.

SANDRA DUNSTON,

having been duly sworn, testified as follows:

THE COURT: You may examine the witness.

S. Dunston - Direct Examination

1 DIRECT EXAMINATION

2 BY MS. MILES:

3 Q. Good morning. Could you state your full name for the
4 Court.

5 A. Sandra Dunston.

6 Q. And where are you employed?

7 A. At the Department of Public Safety at Central Prison,
8 chaplain.

9 Q. How long have you worked for DPS?

10 A. About eight years.

11 Q. Have you worked as a chaplain since you began working with
12 DPS?

13 A. Yes.

14 Q. What are your job duties as a chaplain?

15 A. As a chaplain, I provide pastoral and spiritual care to
16 the staff and to the inmates in the facility that I'm working
17 in. I supervise services. When I say "supervise services," I
18 supervise different faith groups. I do so many things.

19 Q. Thank you, Ms. Dunston.

20 Can you please describe a typical day working as a
21 chaplain?22 A. Yes, ma'am. Come in, I check my mail, I go -- sometimes
23 I'm briefed by my supervisor what to do that day. I check my
24 internet -- the internet, my e-mail. I check to see pretty
25 much what I need to be doing that particular day.

S. Dunston - Direct Examination

1 After that I may be talking with the inmate. I may be
2 talking with staff members that are going through different
3 things. I may be supervising a service. I may be doing a
4 funeral service. It's just unlimited things that I could be
5 doing in a day's time. And it varies. It always changes.
6 There's no set schedule. I do what's needed for the spiritual
7 community at the facility.

8 Q. Are you familiar with the DPS's policy and procedure
9 titled Religious Services?

10 A. Yes.

11 Q. And does that policy and procedure govern your work as a
12 chaplain at Central Prison?

13 A. Absolutely. I have to continue to stay under policy
14 procedure.

15 MS. MILES: Your Honor, may I have permission to show
16 the witness what has been previously marked as Plaintiff's
17 Exhibit 5?

18 THE COURT: You may.

19 BY MS. MILES:

20 Q. Ms. Dunston, have you seen this policy before?

21 A. Yes, ma'am.

22 Q. What state agency issued this policy?

23 A. North Carolina.

24 Q. When was this policy issued?

25 A. 9/1/16.

S. Dunston - Direct Examination

1 Q. Have you previously reviewed this policy?

2 A. Yes, ma'am.

3 Q. Can you please tell me what this policy governs?

4 A. I don't quite understand the question.

5 Q. What does this policy outline specifically?

6 A. It outlines what we're permitted to do within our work.

7 MS. MILES: Your Honor, we ask that Plaintiff's
8 Exhibit 5 be entered into evidence at this time.

9 THE COURT: It'll be received.

10 (Plaintiff's Exhibit No. 5 was admitted into evidence.)

11 BY MS. MILES:

12 Q. Can you read paragraph D on the first page of this policy?

13 A. The Chaplaincy Services Director is responsible for
14 maintaining the Prison Religious Policy Manual. The manual
15 accommodates the official religions, practices, and authorize
16 religious items for the inmate population. The manual also
17 includes a list of authorized religious items for inmate in
18 restrictive housing, safe keepers, RHAP, RHDP, HCON and RHCP.

19 Q. Ms. Dunston, what is the manual referring to in that
20 paragraph?

21 A. Pardon me?

22 Q. What manual does that paragraph refer to?

23 A. Chaplaincy department.

24 Q. The portion that says, "the manual accommodates the
25 official religions;" do you know the name of that manual?

S. Dunston - Direct Examination

1 A. The Religious Manual.

2 Q. On the third page of this policy, can you read paragraph C
3 for me?

4 A. Specific religious practices, policies and procedures are
5 detailed in the prison's Religious Practice Reference Manual.
6 This manual includes a list of the current faith practices that
7 are now officially recognized by prisons. It also includes a
8 brief description of the basic beliefs, authorized practices,
9 worship procedures, and authorized religious items associated
10 with each faith. A copy of this manual may be found in the
11 office of the chaplain or other designated staff.

12 Q. Is the manual referenced in this paragraph the same one
13 that was referenced earlier, the one that you called the
14 prison's religious policy?

15 A. State that again. I'm sorry.

16 Q. Is the manual referenced in paragraph C the same manual
17 referenced earlier?

18 A. Yes, the Religious Practice Manual.

19 Q. And can you please take a look at the bottom of page 4
20 where it says "Inmate Requests for Religious Assistance." Are
21 you familiar with the process that an inmate would follow to
22 request religious services that are not currently provided?

23 A. Yes, I am.

24 Q. And does paragraph -- does this paragraph outline those
25 policies?

S. Dunston - Direct Examination

1 A. Yes, it does.

2 Q. Can you please explain that process for us?

3 A. They just submit in writing what they are requesting to
4 the chaplaincy services and we carry out the process.

5 Q. Once they submit in writing the accommodations that they
6 are requesting, what happens after that?

7 A. Then we continue to process it. We begin to -- actually,
8 I pass it up to my supervisor, my supervisors process it, go
9 through the different changes that needs to be taken care of.

10 Q. And do you know specifically what that process would
11 entail as far as making the accommodations?

12 A. No.

13 Q. Ms. Dunston, can you please take a look at the bottom of
14 page 5. Can you explain the paragraph under Subsection D's
15 rule regarding some inmates not being able to attend corporate
16 worship services?

17 MS. GRANDE: Your Honor, I'm going to object as to
18 the relevance of this particular area of the policy.

19 MS. MILES: Your Honor, it specifically outlines
20 which inmates are allowed to attend religious services and it
21 goes towards defendant's concern about staffing concerns and
22 security interests.

23 THE COURT: The exhibit is in evidence. It says, due
24 to safety and security concerns, safe keepers, inmates in
25 restrictive housing units will not be allowed to attend

S. Dunston - Direct Examination

1 corporate worship services with the general population, et
2 cetera.

3 I'm not really sure what we're getting at when we're
4 just reading things that are already in evidence.

5 MS. MILES: Your Honor, we were just going to get the
6 plaintiff to explain what type of inmates or which inmates are
7 able to attend services or any religious programs.

8 THE COURT: Well, just ask that. It's not helpful
9 for us just to read a document that's in evidence. I read
10 everything. So just ask the next question.

11 I sustain the objection.

12 BY MS. MILES:

13 Q. Ms. Dunston, did you know -- can you tell the Court what
14 inmates are allowed to attend religious services or religious
15 programs?

16 A. Those inmates that are registered in our OPUS prison, OPUS
17 computer as that particular faith, practitioner of that faith.
18 They have to be -- they have to be registered in the computer
19 as that particular faith to participate in the services, that
20 particular service.

21 Q. And what would happen if an inmate is under disciplinary
22 segregation?

23 A. I'm not sure.

24 Q. Would they be able to still attend religious programs or
25 services?

S. Dunston - Direct Examination

1 A. It all depends.

2 Q. Ms. Dunston, can you tell the Court, describe the role
3 of -- an inmate faith helper's role in the prison?

4 A. Faith helper, inmates are questioned, thoroughly
5 questioned of their level of capacity of being a faith helper.
6 They have to answer specific questions listing their knowledge
7 of the faith. They cannot have -- they cannot have
8 disciplinary actions, infractions for so many years. I'm not
9 quite -- I can't remember how many years, but it's a little
10 while. The faith helper has to be very knowledgeable of the
11 faith.

12 Q. What would their role be as a faith helper once they're
13 selected?

14 A. They would lead the other faith members of that faith,
15 they would lead them in that particular timing that has been
16 set aside for them in their faith. They would bring topics,
17 different topics informing the other members of the faith,
18 enhancing their faith.

19 Q. And are you familiar with Mr. Wright's role as a faith
20 helper?

21 A. Yes. Yes, ma'am.

22 Q. What do you recall?

23 A. When I -- when I was employed at Central Prison, Anthony
24 was a faith helper already, already the faith helper and he was
25 very adamant about leading his group. He would pick different

S. Dunston - Direct Examination

1 topics to talk about, the faith. Very dependable. He did --
2 he tried to do different things to make sure that he was
3 teaching the other inmates the religious faith.

4 Q. Ms. Dunston, we referenced the Religious Practices Manual
5 several times now. Are you familiar with that manual?

6 A. Pretty much so.

7 MS. MILES: Your Honor, can we have permission to
8 show Ms. Dunston the Religious Practices Manual?

9 THE COURT: You may. It'll be received. That's
10 Plaintiff's Exhibit 4?

11 MS. MILES: Yes.

12 (Plaintiff's Exhibit No. 4 was admitted into evidence.)

13 BY MS. MILES:

14 Q. Ms. Dunston, can you describe what this manual is used
15 for?

16 A. It's used for us as chaplains to refer to when
17 providing -- and to follow when providing inmates with their
18 faith, religious faith.

19 MS. MILES: Your Honor, the defendants have
20 stipulated as to the authenticity of what has been previously
21 marked as Plaintiff's Exhibit 4. This is the complete
22 Religious Practices Manual that the chaplain and staff used
23 throughout DPS prisons and we ask that it be entered into
24 evidence.

25 THE COURT: It'll be received.

S. Dunston - Direct Examination

1 BY MS. MILES:

2 Q. Ms. Dunston, who writes the information that is included
3 in this manual?

4 A. Directors, I believe, directors.

5 Q. Can you please describe the process, as you understand it,
6 for creating or updating the manual?

7 A. I really don't know how it's created. I just know it's
8 handed down from my directors to us.

9 Q. Do you know if any research is conducted in order to
10 create this manual?

11 A. That's a little bit out of my scope.

12 Q. Okay.

13 A. I'm sure it is, but I don't know how.

14 Q. Ms. Dunston, do you consult this manual regularly?

15 A. Yes.

16 Q. Can you please explain how you use the information when
17 you consult it?

18 A. If an inmate would come to me and had questions about
19 items that they allowed to have, I would reference the
20 religious manual. Whatever their questions pertaining to
21 religion, I use this to follow. I follow the policy, the
22 manual.

23 Q. And to your knowledge, how do other chaplains use this
24 manual?

25 A. They follow policy. That's required of us. We have to

S. Dunston - Direct Examination

1 use -- we have to follow the manual.

2 Q. And is this the same -- is this the same for other staff
3 members as well?

4 A. I know the chaplaincy department does.

5 Q. Ms. Dunston, looking at page 86 of Exhibit 4. Is this the
6 portion of the manual that deals with Rastafarians and their
7 faith practice in the DPS custody?

8 A. Yes. It looks like it, yes.

9 Q. Are you familiar with this section of the manual?

10 A. Yes.

11 Q. What work have you done with Rastafarians at Central
12 Prison?

13 A. I supervised their services.

14 Q. And how does the manual guide your supervision?

15 A. It informs me what is permitted and what is not permitted.

16 Q. Have you assisted Rastafarian services?

17 A. Have I?

18 Q. Yes.

19 A. Yes.

20 Q. And have you ever noted any security concerns during
21 Rastafarian services?

22 A. I can't recollect.

23 Q. Have you assisted with any research regarding Rastafarians
24 and the prison policy?

25 A. Say that again. I'm sorry.

S. Dunston - Direct Examination

1 Q. Have you assisted with any research regarding
2 Rastafarians' religious practices and DPS's policy?

3 A. No. I just follow policy.

4 Q. And have you provided any assistance to Rastafarians with
5 respect to religious items?

6 A. Say that again. I'm sorry.

7 Q. Have you provided any assistance to Rastafarians with
8 respect to any religious items?

9 A. Yes.

10 Q. Are you familiar with the holy days outlined in the
11 Religious Practices Manual for Rastafarians?

12 A. I've read them.

13 Q. Looking at page 88 of Exhibit 4. Can you tell the Court
14 what days are listed as holy days for Rastafarians?

15 A. You want me to read it? May 25th, African Liberation Day;
16 July 23rd, His Imperial Majesty's birthday; August the 17th,
17 Marcus Garvey's birthday; and November the 2nd, Coronation of
18 Him, HIM.

19 Q. Do you know why these holy days were listed as Rastafarian
20 holy days?

21 A. I just know they're listed.

22 Q. Are you aware of any holidays or holy days celebrated by
23 Rastafarians that are not listed?

24 A. No.

25 Q. Have you ever seen an earlier version of this policy that

S. Dunston - Direct Examination

1 included different holidays for Rastafarians?

2 A. No.

3 Q. What experience have you had with other Rastafarian holy
4 days?

5 A. Only what we have here.

6 Q. Ms. Dunston, are Rastafarians at Central Prison permitted
7 to celebrate holy days communally?

8 A. Corporately?

9 Q. Communally, together.

10 A. When you say "celebrate," I don't understand.

11 Q. Are they able to gather together outside of their regular
12 scheduled corporate worship services on holy days?

13 A. They are allowed according to policy, because this is
14 policy. We follow policy.

15 Q. So are they allowed to gather together outside of their
16 regular scheduled corporate meetings?

17 A. I'm not sure. They are allowed to recognize it -- I'm
18 thinking -- I'm thinking they recognize it individually, not so
19 much corporately.

20 Q. Thank you, Ms. Dunston.

21 Are Rastafarians permitted to celebrate religious holy
22 days with a meal?

23 A. No.

24 Q. Can you explain the nature of your interactions with
25 Mr. Wright as he requested accommodations for celebrating holy

S. Dunston - Direct Examination

1 days communally?

2 A. He requested many times and we've dealt with it and
3 talked, and I've passed it on to my supervisor, his concerns
4 and his questions relating to that, yes.

5 Q. Were most of your interactions with Mr. Wright regarding
6 his request for accommodations?

7 A. We had many interactions in reference to Rastafarians.

8 Q. Have you ever had any security concerns with Mr. Wright?

9 A. No, not really.

10 Q. Ms. Dunston, what other religions do you provide support
11 for at Central Prison?

12 A. We have 15 different faith groups. I supervise -- I have
13 supervised the Buddhists, the American Indians, the Islamic
14 group, Rastafarian group.

15 Q. Ms. Dunston, you just stated that you've provided support
16 to the American Indians at Central Prison. What type of
17 support do you provide for that group?

18 A. I follow policy with that group just like I do with
19 Rastafarians, so...

20 Q. Do you assist in their services?

21 A. Yes, I make sure they're following policy.

22 Q. Are American Indians permitted to celebrate holy days with
23 a religious meal?

24 A. Yes, they have.

25 Q. And what holy day is that?

S. Dunston - Direct Examination

- 1 A. They're -- the Eid Al-Adha, different ones.
- 2 Q. Do they --
- 3 A. Ramadan.
- 4 Q. Ms. Dunston, do they celebrate the Green Corn festival?
- 5 A. No, they don't. The Islamic group does not.
- 6 Q. The American Indians.
- 7 A. Yes, they do.
- 8 Q. Ms. Dunston, looking at page 18 of Exhibit 4. Can you
9 tell the Court how the Green Corn festival is celebrated?
- 10 A. Green Corn ceremony is in September. A memo will be
11 produced annually and the celebration consists of a meal,
12 special meal and service. The service should last no more than
13 one hour.
- 14 Q. Ms. Dunston, can you read the section under the holy day
15 portion?
- 16 A. That's just what I was reading.
- 17 Q. The memo that it references, is that this memo here or
18 what memo is it referencing? I'm sorry.
- 19 A. A memo that's delivered to us from the directors' prison.
- 20 Q. Are you familiar with the memoranda that are issued yearly
21 for the Green Corn festival?
- 22 A. Yes.
- 23 MS. MILES: Your Honor, may I show the witness what
24 has been previously marked as Exhibit 8?
- 25 THE COURT: You may.

S. Dunston - Direct Examination

1 BY MS. MILES:

2 Q. Ms. Dunston, can you explain what this memorandum
3 describes?

4 A. It describes the Green Corn observance under George
5 Solomon from August 26th, 2014.

6 Q. And who is the memo directed to?

7 A. To the facility heads and the facility chaplains.

8 Q. Is this a system-wide guideline on the celebration of the
9 Green Corn festival?

10 A. Is it wide?

11 Q. System-wide.

12 A. It's to the State of North Carolina.

13 MS. MILES: Your Honor, defendants have stipulated to
14 the authenticity of this exhibit. We request to move what has
15 been marked as Exhibit 8 into evidence.

16 THE COURT: It'll be received.

17 (Plaintiff's Exhibit No. 8 was admitted into evidence.)

18 BY MS. MILES:

19 Q. Ms. Dunston, I'm going to turn to page 11 of this exhibit.
20 Looking at this memo, what is the date issued on this?

21 A. August 19th, 2016, last year.

22 Q. And looking at the last full paragraph on page 11 that
23 begins, "The observance consists of," can you describe to this
24 Court what this exhibit -- what this paragraph is explaining?

25 A. It explains that we -- as chaplains we will follow for the

S. Dunston - Direct Examination

1 Green Corn observance one hour of observance, meal not to
2 exceed two hours. It is to take place the same day, either
3 September 23rd or September 24.

4 Q. Thank you, Ms. Dunston.

5 A. Uhm-uhm.

6 Q. In looking at page 12 of this exhibit, can you tell the
7 Court who provides the meals for the Green Corn festival?

8 A. The participants have a -- they have an account that they
9 give money to that help -- that we use to provide the meals.

10 Q. And what's the name of that account?

11 A. I can't recall. We have several accounts.

12 Q. Ms. Dunston, are there any other sources that provides the
13 food for the Green Corn festival?

14 A. Not that I recollect.

15 Q. Do volunteers provide food?

16 A. When you say "volunteers," whom are you referring to?

17 Q. Volunteers from the American Indian community.

18 A. Different of the American Indian faith, different ones
19 have friends that donate money to the account, if that's what
20 you mean by "volunteer." They volunteer to donate the money to
21 the account sometimes. Sometimes.

22 Q. Thank you, Ms. Dunston.

23 Q. Ms. Dunston, can you take a look at paragraph 5 on page 13
24 of Exhibit 8? Can you please read that sentence?

25 A. The Offender Service Club funds may be used to purchase

S. Dunston - Direct Examination

1 food items for the observance meal. The appropriate procedures
2 to approve the use of funds must be followed and food items
3 must be purchased from a vendor, by the chaplain or other
4 designated staff.

5 Q. What is the Offender Service Club?

6 A. I'm not sure. I worked at the women prison and I think
7 they had one. I'm not familiar with any of that at CP.

8 Q. Ms. Dunston, you stated earlier that this memoranda was
9 issued in 2016.

10 A. Uhm-uhm.

11 Q. To your knowledge, is this substantially similar to the
12 memoranda issued in past years?

13 A. Similar, yes.

14 Q. How many staff members are present at the meal for the
15 Green Corn festival observance?

16 A. Custody are present, staff, chaplains are present, and
17 that's all -- that's the only ones I've known at Central
18 Prison.

19 Q. On average, about how many would you say number-wise,
20 numerically?

21 A. You talking about inmates?

22 Q. The staff members and chaplains.

23 A. It varies because they provide enough to provide security
24 for that particular group, however many there are there. So,
25 you know, it varies.

S. Dunston - Direct Examination

1 Q. To your knowledge, when an inmate is not able to use their
2 fundraisers or there's no volunteers available to provide the
3 food, does the prison still provide the meal for the Green Corn
4 observance?

5 A. They eat before everybody else eats. It's the -- if they
6 didn't have the money, I would think -- I would think they
7 would use just what is serving in the cafeteria that everybody
8 else eat.

9 Q. Ms. Dunston, have you provided support for Muslims at
10 Central Prison?

11 A. Yes, I supervised their programs.

12 Q. And is this the same support that you provide for other
13 religious groups, services, perform services, research, giving
14 religious items?

15 A. I follow policy for every group, yes, ma'am.

16 Q. Are Muslims permitted to celebrate holy days with a
17 religious meal?

18 A. They do the Ramadan, yes.

19 Q. In looking at page 68 of Exhibit 4, does this page outline
20 the celebration of Eid al-Fitr?

21 A. Yes. Yes, ma'am.

22 Q. I'm going to turn to page 69. Does this -- does this
23 portion outline the celebration of Eid al-Adha?

24 A. Yes, ma'am.

25 Q. And are you familiar with how those days are celebrated?

S. Dunston - Direct Examination

1 A. Yes, ma'am.

2 Q. Are you familiar with the memoranda that are issued yearly
3 for Eid al-Fitr and Eid al-Adha?

4 A. Yes. We have to have a memoranda sent down in order to...

5 MS. MILES: Your Honor, may I show this witness what
6 has been previously marked as Exhibit 7?

7 THE COURT: You may.

8 BY MS. MILES:

9 Q. Ms. Dunston, can you explain what this memoranda
10 describes?

11 A. It advises the facilities of the process and procedures to
12 observe Ramadan, the Islamic Muslim holy day, for 2016 and the
13 Night Of Power and Eid al-Fitr.

14 MS. MILES: Your Honor, defendants have stipulated to
15 the authenticity of this exhibit. We request that what has
16 been marked as Exhibit 7 be moved into evidence.

17 THE COURT: It'll be received.

18 (Plaintiff's Exhibit No. 7 was admitted into evidence.)

19 BY MS. MILES:

20 Q. Ms. Dunston, I'm going to turn to page 18 of this exhibit.
21 Can you tell the Court what date this was issued?

22 A. May 1st, 2016.

23 Q. Who wrote the memo?

24 A. It's from Director Solomon, George Solomon to the facility
25 heads and the facility chaplains.

S. Dunston - Direct Examination

1 Q. Who was the memo directed to?

2 A. Facility heads and facility chaplains.

3 Q. Again, is this a system-wide policy?

4 A. North Carolina, yes.

5 Q. Looking at page 20 of this exhibit, can you please explain
6 to the Court the section that starts with, "The observation
7 meal will be provided." Can you please describe to the Court
8 what this section outlines?

9 A. The procedure on how to go about -- how to go about
10 observing the meal for the Islamic community. I'm not quite
11 sure which meal we talking about here, though. I don't know if
12 this -- is this the same one?

13 Q. Yes.

14 A. It just tells us how we go about proceeding to...

15 Q. Who provides the meal for the Muslim inmates for Eid
16 al-Fitr?

17 A. The Islamic -- they also have a fund that they withdraw
18 their money out of to -- that we use, the chaplaincy department
19 uses to provide foods for their celebration.

20 Unlike the Rastafarians, the Islamic group has volunteers.
21 When I say "volunteers," it's a group of leaders from the
22 outside community that comes in and teach the Islamic group and
23 they assist, they help with -- they enhance the celebration for
24 those Islamic.

25 Q. What's the name of the fund that you were describing?

S. Dunston - Direct Examination

1 A. I can't -- Zakat I think is what it's called.

2 Q. So would it be safe to say that either the volunteers
3 provide the meal or the Zakat fund provides the meal?

4 A. It would be safe to say that they help and assist in
5 seeing that it's -- the meal is provided. They don't
6 necessarily provide it at all times. Sometimes they help out,
7 they assist. Sometimes they provide it, yeah.

8 Q. And what will happen if neither the volunteers nor the
9 Zakat fund was able to provide the meal for Eid al-Fitr?

10 A. They would just eat what everyone else eat.

11 Q. Would they still be able to gather communally or together
12 with just Muslim inmates?

13 A. Yes. They still go to the dining hall as a community,
14 uhm-uhm.

15 Q. Looking at page 23 of Exhibit 7, paragraph 5, can you
16 describe what this page is referencing?

17 A. The Zakat funds to purchase the food items.

18 Q. Do you know how the Zakat fund works? How do they raise
19 the money?

20 A. They are -- the inmates are allowed to give money into the
21 Zakat funds.

22 Q. To the best of your knowledge, you stated that this
23 memoranda was issued in 2016. To the best of your knowledge,
24 is this substantially similar to memoranda issued in previous
25 years regarding the Eid al-Fitr, celebration of Eid al-Fitr?

S. Dunston - Direct Examination

1 A. Pretty much.

2 MS. MILES: Your Honor, may I show this witness what
3 has been previously marked as Exhibit 9?

4 THE COURT: You may.

5 BY MS. MILES:

6 Q. Ms. Dunston, can you please explain what this memoranda
7 describes?

8 A. The observance for the Islamic group, the Eid al-Adha,
9 their prayer time, and just telling us how to carry out the
10 Islamic observance and celebration of the Sacrifice of Abraham.

11 MS. MILES: Your Honor, defendants have stipulated to
12 the authenticity of this exhibit. We request that what has
13 been marked as Exhibit 9 be moved into evidence.

14 THE COURT: It'll be received.

15 (Plaintiff's Exhibit No. 9 was admitted into evidence.)

16 BY MS. MILES:

17 Q. Ms. Dunston, looking at page 10 of Exhibit 9, can you
18 please tell the Court what date this was issued?

19 A. August 19th, 2016.

20 Q. And who wrote the memo?

21 A. Director Solomon to the facility heads and facility
22 chaplains.

23 Q. And who was the memo directed to again?

24 A. Facility heads and the facility chaplains.

25 Q. Is this a system-wide guideline on the celebration of Eid

S. Dunston - Direct Examination

1 al-Adha?

2 A. Yes, it is.

3 Q. Are volunteers permitted to bring food for this meal as
4 well?

5 A. Yes. The volunteers have to use a vendor, and I think it
6 stipulates that in here, yes, ma'am.

7 Q. And if there are no volunteers available, will the food
8 still be provided by the prison?

9 A. Whatever they have in their funds, Zakat funds, we would
10 use that to provide their meal.

11 Q. If there's nothing in the Zakat fund, where would the food
12 come from?

13 A. They would eat what everyone else in the facility eats.

14 Q. To your knowledge, you stated that this memoranda was
15 issued in 2016. Is this substantially similar to previous
16 years' memoranda issued for Eid al-Adha?

17 A. Yes, ma'am.

18 Q. Ms. Dunston, how many staff members would you say would be
19 present for Eid al-Fitr and Eid al-Adha?

20 A. It varies. The chaplains would be present and the custody
21 would be present. The number of custody is -- they usually
22 depend on participants, the practitioners of the faith, they
23 make sure our security, safety is provided.

24 Q. Do you know how many food service workers would be there
25 at any time?

S. Dunston - Direct Examination

1 A. What do you mean "there"?

2 Q. Would be present for the holy day meal.

3 A. They don't participate in the holy day meal. They in the
4 kitchen area.

5 Q. Ms. Dunston, have you ever provided support for Jewish
6 faith practitioners in Central Prison?

7 A. No. You mean -- I provide services for everyone. Are you
8 saying corporately, because we don't do corporate?

9 Q. Okay. Are Jewish faith practitioners permitted to
10 celebrate a holy day with a meal?

11 A. They permitted to practice the holy day. I'm not quite
12 sure what your question is.

13 Q. Are Jewish faith practitioners able to celebrate Passover?

14 A. Corporately, is that your question?

15 Q. Yes.

16 A. Not corporately.

17 Q. What about with a meal?

18 A. That's provided in the facility.

19 Q. Ms. Dunston, looking at page 73 of Exhibit 4. Does this
20 portion of the policy outline the holy day celebrated for
21 Jewish faith practitioners?

22 A. Pretty much, yes, ma'am.

23 Q. To the best of your knowledge, do you know how this day is
24 celebrated?

25 A. The inmates request to celebrate. They have to be

S. Dunston - Direct Examination

1 practitioners of their faith and then they are -- their meals
2 are sent out to them, uhm-uhm.

3 Q. Are you familiar with the memoranda that are issued yearly
4 for the celebration of Passover?

5 A. Yes, ma'am.

6 MS. MILES: Your Honor, may I show her what has been
7 previously marked as Plaintiff's Exhibit 6?

8 THE COURT: You may.

9 BY MS. MILES:

10 Q. Ms. Dunston, looking at what has been marked as Exhibit 6,
11 can you please tell the Court what this memoranda describes?

12 A. It describes 2014 Passover for offenders registered in the
13 OPUS as Jewish faith practitioners, March 12th, 2014, by
14 Director Solomon.

15 MS. MILES: Your Honor, we request to move what has
16 been marked as Exhibit 6 into evidence.

17 THE COURT: It'll be received.

18 (Plaintiff's Exhibit No. 6 was admitted into evidence.)

19 BY MS. MILES:

20 Q. Ms. Dunston, I'm going to turn to page 25 of Exhibit 6.
21 Looking at page 25, can you tell the Court what date this
22 exhibit -- this memorandum was issued?

23 A. February 17th, 2017.

24 Q. And who wrote the memo?

25 A. George Solomon, the director.

S. Dunston - Direct Examination

1 Q. And who was the memo directed to?

2 A. To the regional directors, facility heads and the
3 chaplains.

4 Q. Is this a system-wide guideline for the celebration of
5 Passover?

6 A. Yes, North Carolina.

7 Q. Now, looking at page 26, can you describe for the Court
8 who provides the meal?

9 A. Who provides the meal?

10 Q. The Seder plate, who provides that?

11 A. This paper you have here, it says, "The two Passover
12 Seders are not considered meals." So they're not considered --
13 they're not meals -- so we don't have to provide meals because
14 they're not meals.

15 Q. What is provided?

16 A. They're not considered meals.

17 Q. Right. So what would be provided on this day?

18 A. The Seder food items for the ritual.

19 Q. And looking at page 27, can you tell the Court what type
20 of food is provided?

21 A. Roasted chicken leg bone, hard boiled egg, lettuce,
22 vegetable, boiled potato, raw onion.

23 Q. Ms. Dunston --

24 A. Yes, ma'am.

25 Q. -- looking at page 28, paragraph 5, can you tell the Court

S. Dunston - Direct Examination

1 how the plate is provided?

2 A. I don't understand your question.

3 Q. Where did the funds come from in order to provide the
4 Seder plate?

5 A. I'm not sure. We always go to the kitchen and get these
6 items.

7 Q. Can you read the first bullet point under paragraph 5?

8 A. Offender Service Club funds may be used, may be used, the
9 appropriate procedures to approve the use of the funds must be
10 followed and the items must be purchased from a vendor, or...

11 Q. Can you read the second bullet point?

12 A. Or P card account, meaning the facility's authorized to
13 use a P card.

14 Q. What's a P card?

15 A. It's -- I'm not sure -- it's used to purchase different
16 religious items, but I don't know who provides for it. I don't
17 have a P card so -- and I don't use a P card, so I'm not
18 familiar with P cards.

19 Q. And you stated that this memoranda was issued in 2017. Is
20 this substantially similar to past years' memoranda?

21 A. Pretty much so.

22 Q. And to the best of your knowledge, how many staff members
23 are present for the Passover Seder plate?

24 A. It's not a corporate service.

25 Q. You said it's not a corporate service?

S. Dunston - Direct Examination

1 A. It's not a corporate service. So therefore, it's not a
2 corporate service.

3 Q. Ms. Dunston, have you ever provided support for the
4 Moorish Science Temple of America at Central Prison?

5 A. No, ma'am.

6 Q. Are you familiar with whether or not Moorish inmates are
7 permitted to celebrate a holy day with food that is part of
8 their religious observance?

9 A. No, I'm not familiar. I've never supervised a service.

10 Q. Ms. Dunston, looking at page 84 of Exhibit 4, can you tell
11 the Court what holy days are celebrated?

12 A. This is the Moorish Science. Moorish Science holy days,
13 on this particular paper you have January 8th, birthday of the
14 Prophet, a memo will be provided annually from the Central
15 Office; January 15th, the Moorish American New Year.

16 Q. And are you familiar with the memoranda that are issued
17 yearly about the birthday of Prophet Ali?

18 A. I'm not familiar with it.

19 MS. MILES: Your Honor, may I show this witness what
20 has been previously marked as Exhibit 10?

21 THE COURT: You may.

22 BY MS. MILES:

23 Q. Can you explain what this memoranda describes?

24 A. It's the Moorish Science Temple observance of the
25 Prophet's birthday, January 8th, 2015, and Moorish American New

S. Dunston - Direct Examination

1 Year, January 15th, 2015.

2 MS. MILES: Your Honor, we request to move what has
3 been marked Exhibit 10 into evidence.

4 THE COURT: It'll be received.

5 (Plaintiff's Exhibit No. 10 was admitted into evidence.)

6 BY MS. MILES:

7 Q. Ms. Dunston, looking at page 11 of Exhibit 10. What date
8 was this memoranda issued?

9 A. December 7th, 2016.

10 Q. Who issued it?

11 A. George Solomon, the director.

12 Q. And who was this issued to?

13 A. The regional directors, the facility heads and the
14 facility chaplains.

15 Q. And is this a system-wide guideline that goes out?

16 A. Yes, it is.

17 Q. In looking at page 12 of this exhibit, looking at the
18 highlighted portion, Ms. Dunston, can you tell the Court what
19 this portion -- or describe to the Court what this portion of
20 this memorandum discusses.

21 A. Yes. The Moorish Science memorandum, the observance of
22 the Prophet for Sunday, January 8th, 2017.

23 Q. In looking at page 12 of this exhibit -- I'm sorry,
24 page 13, number 5, paragraph 5. Can you tell the Court how the
25 food for this day is purchased?

S. Dunston - Direct Examination

1 A. The memoranda says because we don't have -- we don't
2 recognize this group so -- we recognize the group, but I'm
3 saying we don't have -- I don't supervise this group.

4 But under 5 it says, the Offender Service Club funds may
5 be used to purchase food items for the observance meal. The
6 appropriate procedure to approve the use of the funds must be
7 followed and the food items must be purchased from a vendor, by
8 the chaplain or other designated facility staff.

9 Q. Thank you, Ms. Dunston.

10 In addition to the religions that we just went over,
11 including the Islams, Judaism, Moorish Science Temple of
12 American practitioners, and American Indians, do you know of
13 any other religious groups that are permitted to celebrate holy
14 days with a meal?

15 A. No.

16 Q. Do you know of the Kairos organization?

17 A. Yes.

18 Q. What is this organization?

19 A. It's an organization that comes into the facility through
20 programs. It's not a religion faith group.

21 Q. Are they permitted to have meals similar to the religious
22 groups that we just discussed?

23 A. It's nothing -- we talking about apples and oranges.
24 They're a program. They're not a religious faith -- the two
25 are not the same. You're talking about two different things.

S. Dunston - Direct Examination

1 Q. Are they permitted to have meals in general?

2 A. They have meals in their program.

3 Q. Do you know how these meals are provided?

4 A. The volunteers of the program provides -- supports the
5 program.

6 Q. Do you know how much DPS spends each year providing the
7 meals in general for Kairos and for the religious groups?

8 A. To the best of my knowledge, it would be zero on the
9 Kairos.

10 Q. Are Rastafarians permitted to gather communally for any
11 meal?

12 A. They're not.

13 Q. Does DPS provide any funding at all for a holy day
14 communal celebration for Rastafarians?

15 A. No.

16 Q. Are Rastafarians permitted to use volunteers to bring food
17 for a religious meal?

18 A. They do not have volunteers, but if they did have a
19 volunteer -- they do not have a volunteer so...

20 Q. Are they permitted to raise money through the Inmate
21 Service Club for religious meals?

22 A. I believe they tried to set up that fund for the group;
23 but at this point, no.

24 Q. Are they permitted to gather together in the dining hall
25 on holy days to eat their regular food tray with other

S. Dunston - Cross-Examination

1 Rastafarians on holy days?

2 A. They can always go to the cafeteria to eat, the dining
3 hall. They're permitted to go to the dining hall. It's not
4 corporately.

5 Q. So with just Rastafarian --

6 A. They can celebrate individually.

7 Q. You said they can eat individually?

8 A. They eat individually and they celebrate individually.

9 MS. MILES: No further questions.

10 THE COURT: Cross-examination.

11 MS. GRANDE: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. GRANDE:

14 Q. Just to clarify a few things, Ms. Dunston. To your
15 knowledge, is the Seder plate required according to the tenets
16 of the Jewish faith?

17 A. To my knowledge, it is.

18 Q. What about Eid al-Fitr or Eid al-Adha?

19 A. According to their faith, it is required.

20 Q. It's a required practice?

21 A. Their faith, yes, ma'am.

22 Q. And what about the Green Corn celebration, is that
23 required of the tenets of the American Indian faith?

24 A. Yes.

25 Q. To your knowledge, are there any holy days or holidays

S. Dunston - Cross-Examination

1 within the Rastafarian faith that have the same tenets that
2 require a feast?

3 A. Not that I know of.

4 Q. And you have no knowledge of MSTA services or feasts,
5 correct?

6 A. No.

7 Q. Never been held at Central Prison that you know of,
8 correct?

9 A. Not since I've been there. I've only been there three
10 years.

11 Q. And as far as purchasing items or purchasing foodstuffs or
12 providing them, do you do that or you don't do that?

13 A. A particular faith?

14 Q. For the faith groups, do you personally ever purchase the
15 items?

16 A. Not personally.

17 Q. Do you ever use funds out of any account to purchase
18 items?

19 A. Yes, I have.

20 Q. Okay. To your knowledge does the Zakat fund still exist?

21 A. I'm not familiar with the Zakat fund.

22 Q. So is it fair to say that you aren't responsible for the
23 maintenance or the spending from Zakat funds?

24 A. That's correct.

25 Q. What about the Inmate Service Club, that you're not

S. Dunston - Cross-Examination

1 authorized or you don't personally make the purchases or
2 maintain the accounts?

3 A. No, ma'am.

4 Q. Okay. And as far as what a kitchen may or may not
5 provide, you're not involved with the purchasing process for
6 the kitchen supplies either, correct?

7 A. No, ma'am.

8 Q. Okay. So it would be safe to say that you don't know how
9 the food is provided to the inmate group separate and apart,
10 that you just supervise the meal itself, correct?

11 A. I supervise, yes, and I do whatever my supervisor instruct
12 me, that's all I do.

13 Q. Okay. To your knowledge, inmates, including Rastafarian
14 inmates, they can congregate and eat as groups in the dining
15 hall, correct, during meal time?

16 A. Yes, they can.

17 Q. Any day of the week as long as their custody level permits
18 they eat together?

19 A. Yes.

20 Q. How many faith services would you say that you supervise
21 in any given week?

22 A. In Central Prison?

23 Q. Yes, ma'am.

24 A. I supervise all those, the Indians, the American Indians,
25 the Rastafarians, the Muslim, the Buddhists. I believe that's

S. Dunston - Cross-Examination

1 the four groups I supervise.

2 Q. How many hours a week would you say that you spend
3 supervising services?

4 A. American Indians meet -- I don't know how to calculate it.

5 Q. Would you say it's most of your day, not a lot of your
6 day, majority of your time, maybe not a majority of your day?

7 A. Maybe three or four hours of the day.

8 Q. How many chaplains are there at Central Prison?

9 A. There are three chaplains.

10 Q. How frequently are inmate services, faith services being
11 held at Central Prison, would you say they are pretty much
12 throughout the day or just occasional?

13 A. No. They're specifically set throughout -- once a day,
14 one hour and it varies. We're very conscious of --

15 Q. Are there several different groups a day?

16 A. Yes, there are.

17 Q. Would you characterize the chaplaincy staff as busy, not
18 busy, overwhelmed?

19 A. Very busy.

20 Q. Okay. What about custody staff? Based on your
21 observation of custody staff, are they busy, not busy,
22 overwhelmed?

23 A. Very busy.

24 Q. Okay. When you are going to supervise religious meals
25 that are in the dining hall for -- let's say, for example, for

S. Dunston - Cross-Examination

1 Eid al-Adha, are custody staff required to attend that meal as
2 well?

3 A. They do provide custody services. Yes, they are required.

4 Q. And food service staff are present in the kitchen,
5 correct?

6 A. Correct.

7 Q. And are the dining schedules of other inmates shifted or
8 altered because of the dining meal, the communal meal for the
9 Islamic inmates?

10 A. No, no. We usually schedule it around the other inmates.

11 Q. But it requires that the kitchen be open and the dining
12 room open?

13 A. Yes, ma'am.

14 Q. To your knowledge, have you ever became aware of whether
15 there were any Rastafarian volunteers that had offered to come
16 into Central Prison?

17 A. No one has offered, no, not that I'm aware of.

18 Q. How frequently do the Rastafarian group -- how frequently
19 do they meet?

20 A. On Tuesday mornings from 9 to -- 9:30 to 10:30, I believe
21 it is, every Tuesday morning.

22 Q. Are they permitted to have corporate services during that
23 time; pray, chant, engage in whatever corporate or rituals that
24 they need to engage in?

25 A. Yes, ma'am.

S. Dunston - Redirect Examination

1 MS. GRANDE: I don't have anything further.

2 THE COURT: Anything else?

3 MS. MILES: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. MILES:

6 Q. Ms. Dunston, based off the memoranda that are issued for
7 the various religious groups we just discussed, are you able to
8 adequately prepare staffing for those days where they have to
9 celebrate with a meal?

10 A. Yes. We usually adequately --

11 Q. When religious groups, like Muslims or the Jews, are able
12 to meet in the dining hall for their meals and no volunteers or
13 Zakat fund is able to provide the food, do they still meet with
14 just those faith practitioners in the dining hall?

15 A. I don't understand your question because the Jewish don't
16 meet in the dining hall. They don't meet as corporate.

17 Q. Does the Muslim inmates just meet together in the dining
18 hall with no general population?

19 A. You mean within their religious service?

20 Q. Yes.

21 A. Yes, without general population we supervise them.
22 Sometimes volunteers. Not there -- always there, but we
23 supervise them and custody is always present.

24 MS. MILES: No other questions, Your Honor.

25 THE COURT: Thank you.

L. Parrish - Direct Examination

1 Anything else, Ms. Grande?

2 MS. GRANDE: No, Your Honor.

3 THE COURT: Thank you, Ms. Dunston. Please watch
4 your step stepping down.

5 The plaintiff may call its next witness.

6 MS. MILES: The plaintiff calls Mr. Linwood Parrish.

7

8 LINWOOD PARRISH,

9 having been duly sworn, testified as follows:

10

11 THE COURT: Good morning, Mr. Parrish.

12 You may examine the witness.

13 DIRECT EXAMINATION

14 BY MS. MILES:

15 Q. Good morning.

16 A. Good morning.

17 Q. Can you state your full name for the Court.

18 A. Linwood Parrish.

19 Q. Mr. Parrish, are you now a prisoner in the custody of
20 North Carolina Department of Public Safety?

21 A. Yes, ma'am, I am.

22 Q. Are you a habitual felon?

23 A. Yes, ma'am, I am.

24 Q. Are you currently serving a sentence for larceny?

25 A. Yes, ma'am, I am.

L. Parrish - Direct Examination

- 1 Q. Where are you housed?
- 2 A. Central Prison HL-302.
- 3 Q. How long have you been at Central Prison?
- 4 A. Approximately five years.
- 5 Q. How many disciplinary infractions have you had?
- 6 A. Within a seven- to five-year period, two.
- 7 Q. Were these infractions while at Central Prison?
- 8 A. Yes, ma'am.
- 9 Q. Were these infractions for being in an unauthorized
10 location?
- 11 A. Yes, it was.
- 12 Q. What about for substance possession?
- 13 A. That was one, yes.
- 14 Q. Mr. Parrish, do you know Mr. Wright?
- 15 A. Yes, I do.
- 16 Q. How?
- 17 A. He was the faith helper for the Rastafarian services.
- 18 Q. What faith do you practice?
- 19 A. Islamic.
- 20 Q. How long have you been practicing?
- 21 A. Around about 28 years.
- 22 Q. Are you the faith helper for the Islamic Muslims at
23 Central Prison?
- 24 A. Yes, ma'am, I have been so for five years.
- 25 Q. Do you celebrate or observe holy days while at Central

L. Parrish - Direct Examination

1 Prison?

2 A. We actually do two.

3 Q. What are those days?

4 A. Eid al-Fitr and Eid al-Adha.

5 Q. When is Eid al-Fitr celebrated?

6 A. Eid al-Fitr is to commemorate the coming of Kaaba. Eid
7 al-Adha is to celebrate the Sacrifice of Abraham, Ishmal. In
8 the Bible it says Isaac.

9 So we celebrate this after fasting for 30 days, so it's
10 like a reward from God after abstaining from all your evil
11 deeds or after abstaining from eating food, drink and any other
12 lust.

13 Q. And just to go back, is Eid al-Fitr celebrated at the end
14 of Ramadan?

15 A. Yes, it is.

16 Q. Is celebration of this day important to your religion?

17 A. Yes, ma'am, it is.

18 Q. Why specifically?

19 A. Well, again, it's like a reward from God and what it does
20 is it helps the faith helper or the believer increase his faith
21 towards God a little bit more.

22 Q. Can you describe for the Court what typically happens on
23 Eid al-Fitr?

24 A. As far as being at Central Prison, we have a date that we
25 set aside for this feast. We have at least an hour to two

L. Parrish - Direct Examination

1 hours for that feast. Our guests bring in foods from the
2 streets. The chaplain coordinates that for us. We have maybe
3 15, 20 minutes roughly before we go to eat to offer a prayer
4 service or to gather to be informed on how the prayer is going
5 to be done. Once this is done, we are then taken to the chow
6 hall later and you have one officer, three chaplains and
7 whoever the people that are volunteers come in and bring the
8 food.

9 Q. So you said that you have volunteers that provide the
10 meal. What type of food do you eat on this day?

11 A. Usually we have things that may be prepared, chicken,
12 maybe fish sometimes, maybe lamb. It depends on whatever the
13 volunteers choose to bring in for us.

14 Q. Outside of the volunteers providing the food, can the food
15 be purchased from any other source?

16 A. Well, it has to be food from a vendor. At one point we
17 were allowed to have our families contribute food to us, but
18 somehow that got distorted. So I don't know what happened with
19 that, but they started saying we can use vendors. And with
20 that being done, we have to either use the Zakat fund or our
21 volunteers bring it in.

22 Q. When you have the volunteers bring the food in, how do you
23 coordinate with the volunteers?

24 A. Usually it's through the chaplains and the chaplains
25 inform us that the volunteers are either going to bring a

L. Parrish - Direct Examination

1 particular food or we are allowed to contribute toward a
2 particular food. Once that is done, once the chaplain and the
3 warden have approved it, then it's brought to us.

4 Q. Are the volunteers members of your faith?

5 A. Yes, they are.

6 Q. Are volunteers allowed to attend group services?

7 A. Yes, they are.

8 Q. Are they allowed to attend the meals afterwards?

9 A. Yes, they are. Normally they don't eat because they
10 already did their feast maybe a day before ours or two.

11 Normally they come in and intermingle and sit down and talk to
12 us. The chaplains also are present and they come through and
13 talk to us.

14 Q. And what happens when the volunteers are unable to provide
15 the food?

16 A. If they're unable to provide food for us?

17 Q. Yes.

18 A. We provide our own food.

19 Q. And what was the source of that?

20 A. It's a Zakat fund.

21 Q. Can you describe to the Court how the Zakat fund works?

22 A. The Zakat fund is funded through inmates going to the
23 canteen and we collect in 25-cent intervals. This is then
24 tallied up at the end of the month. Whatever we have -- the
25 chaplain gives us an invoice sheet to let us know how much

L. Parrish - Direct Examination

1 money we have exact. With that being done, she coordinates
2 between the population inmates and death row inmates and she
3 keeps that tally separated. She let's us know as much as we
4 have allotted to us as far as what we can use for getting food.

5 Q. So what happens if another inmate was not able to
6 contribute to the Zakat fund?

7 A. He's still not excluded.

8 Q. Would he be able to partake in the meal?

9 A. Yes, he would.

10 Q. What procedure -- is there a specific vendor that you use
11 to purchase the food --

12 A. Uhm-uhm.

13 Q. -- through the Zakat fund?

14 A. Yes.

15 Q. Can you tell the Court what happens if you're unable to
16 have volunteers or use the Zakat fund, what will happen?

17 A. Normally, we'll get the regular meal for the day. If it
18 happens to be pork, which is a dietary restriction for us, they
19 will make provisions for us to have something else in its
20 place, usually beans or some other supplemental nutrient.

21 Q. And where do you gather?

22 A. In the chow hall.

23 Q. And for Eid al-Adha, is this the same structure?

24 A. Pretty much.

25 Q. How long would you say that you gather on Eid al-Fitr and

L. Parrish - Direct Examination

1 Eid al-Adha?

2 A. As I repeated before, it's usually between an hour to two
3 hours. Either between two hours. Never exceeds two hours.

4 Q. And you stated earlier that prison officials are available
5 during these gatherings?

6 A. Yes, they are.

7 Q. How many chaplains would you say are present?

8 A. All three, maybe four. We have four now, so I'm quite
9 sure that he'll come in, too, to see how things go. But
10 usually all three. Either Chaplain Dunston will come through,
11 Chaplain Anten (phonetic) will come through, then Chaplain
12 Stratton will come through. Usually they pushing carts,
13 bringing sodas and bringing condiments and trying to fix the
14 tables up to make it look a little more festive.

15 Q. How many guards?

16 A. One guard. You may have a lieutenant on the outside or
17 captain standing in the hallway.

18 Q. Can you tell the Court what would happen if a member of
19 your faith is placed on disciplinary segregation?

20 A. If he's participated during the month of Ramadan and was
21 arrested or locked up after completing the month of Ramadan,
22 then he would receive a tray, but he is not going to be allowed
23 to come and participate with us. He would do it from his cell.

24 Q. Mr. Parrish, are there different sects within the Muslim
25 faith?

L. Parrish - Direct Examination

1 A. There are.

2 Q. Do all sects celebrates the holy days that we discussed?

3 A. Yes.

4 Q. Is the only variation between the various sects the
5 doctrinal teachings?

6 A. Yes.

7 Q. Can you tell the Court why it is important to celebrate
8 these days with a meal, religiously significant meal?

9 A. Once again, it helps us to remember how it is for people
10 who don't have any food. It also brings us closer and makes us
11 more thankful to God for providing this meal for us in
12 particular because he said that all things are for man, but
13 fasting is for me. So once we have fasted for God, he says
14 this is my reward for you and it's sort of kind of like a
15 little piece of Heaven.

16 Q. And I have one final question for you, Mr. Parrish. How
17 would you feel if you were unable to celebrate your holy days
18 with a meal?

19 A. It would be unheard of. It would be unheard of because
20 that goes synonymous with the religion. Without it we might as
21 well don't have a religion because this is one of the things we
22 use as a tool to introduce people to it. We want them to know
23 that we're kind of like one big happy family and in this we try
24 to introduce people to what this religion is about. A lot of
25 people have misconceptions about it.

L. Parrish - Cross-Examination

1 MS. MILES: Thank you, Mr. Parrish. No further
2 questions.

3 THE COURT: Cross-examination?

4 CROSS-EXAMINATION

5 BY MS. GRANDE:

6 Q. Hi, Mr. Parrish. How long have you served again as faith
7 helper at CP?

8 A. Almost five years.

9 Q. And during that five years, in your experience have you
10 ever used Zakat funds to buy food for Eid al-Fitr or Eid
11 al-Adha?

12 A. This last feast we had we made an attempt to do so because
13 the volunteers have been doing too much for us and no need for
14 us to have this money here and not try to help them. They
15 became very angry, they were very irate about it and they was
16 like we don't appreciate that. So we were not permitted to use
17 the money for that.

18 Q. So the answer is no, you never used Zakat funds to buy
19 food?

20 A. No.

21 Q. And volunteers always supply the food for your Eid al-Fitr
22 and Eid al-Adha?

23 A. Yes, ma'am.

24 Q. To your knowledge, are there Rastafarian volunteers that
25 come in?

L. Parrish - Cross-Examination

1 A. Again?

2 Q. Are there Rastafarian volunteers that come in?

3 A. I wouldn't know.

4 Q. And do you know whether the Rastafarian faith requires
5 feast meals?

6 A. In New York they do, yes.

7 Q. Here in North Carolina do the tenets of the Rastafarian
8 faith require feast meals?

9 MS. MILES: Objection, Your Honor.

10 THE WITNESS: I don't know.

11 THE COURT: He said he doesn't know.

12 Next question.

13 BY MS. GRANDE:

14 Q. You would say that the tenets of the Islamic faith
15 requires that you participate in a communal meal?

16 A. Yes.

17 Q. To your knowledge, is the Zakat fund still in existence at
18 Central Prison?

19 A. We've had some glitches in it; but to my knowledge, yes,
20 it's still up and going.

21 Q. But you're not in charge of administering or monitoring
22 the Zakat fund?

23 A. I have access to its amount. If I request it, it would be
24 brought available to me, yes.

25 Q. From chaplaincy services?

L. Parrish - Cross-Examination

1 A. Yes.

2 Q. To your knowledge, is there any funds in the Zakat fund at
3 Central Prison?

4 A. I think they had, once again, a glitch and an accident
5 happened where some of it went to the NA and AA funds, and they
6 were supposed to reimburse everybody back, but they was putting
7 it back into the inmates' accounts.

8 Q. So no is the answer to that question, correct?

9 A. I can't say.

10 Q. Okay. To clarify, as far as the food that is served on
11 Eid al-Adha or Eid al-Fitr, you are served food that's
12 according to the tenets of your faith, correct?

13 A. Correct.

14 Q. So it's pork free, correct?

15 A. Yes.

16 Q. And even if, let's say, there's an inmate who does not
17 adhere to a Eid al-Adha diet or to a non-pork diet, he still is
18 required to consume the non-pork food that's provided?

19 A. Yes.

20 Q. Again, the Eid al-Adha and Eid al-Fitr is common to both
21 the Sunnis and the Shias, correct?

22 A. Correct.

23 Q. Required by both Sunnis and Shias, correct?

24 A. Yes.

25 Q. Are religious services divided amongst Sunnis and Shias?

L. Parrish - Redirect Examination

1 A. In prison?

2 Q. Correct.

3 A. We -- we have more Sunnis than we have Shias.

4 Q. Do you have separate services for Sunnis and Shias?

5 A. No, it's all the same.

6 Q. Do you have separate feast meals for Sunnis and Shias?

7 A. No, we're all the same.

8 MS. GRANDE: I don't have anything further, Your
9 Honor.

10 THE COURT: Any other questions?

11 MS. MILES: Briefly.

12 REDIRECT EXAMINATION

13 BY MS. MILES:

14 Q. Mr. Parrish, are you able to still use the Zakat fund if
15 you chose to?

16 A. Sure.

17 Q. Regarding the different sects, can they choose how they
18 would celebrate these various holy days?

19 A. No. It's all preordained. It's already set. It's set by
20 how our Prophet practices and this was sent down by God how it
21 should be practiced. It's of old, it's followed through in the
22 Bible. So all of it has already been set up for us, so we
23 can't add or take away from it.

24 MS. MILES: No further questions, Your Honor.

25 THE COURT: Thank you.

L. Parrish - Redirect Examination

1 Anything else, Ms. Grande?

2 RECROSS-EXAMINATION

3 BY MS. GRANDE:

4 Q. Mr. Parrish, I'm going to ask you a question. If the
5 Shias, let's say, believe that something was required during a
6 feast meal that the Sunnis did not believe, would prisons allow
7 the Shias to request special things they wanted?

8 MS. MILES: Objection, Your Honor. Calls for
9 speculation.

10 THE COURT: Do you know, sir? Has that ever
11 happened?

12 THE WITNESS: No, it hasn't, but I think I can
13 probably clear it up a little bit.

14 THE COURT: He said it hadn't happened, so that's
15 fine.

16 Anything else, Ms. Grande?

17 BY MS. GRANDE:

18 Q. Again, just to reiterate. It's a general service and a
19 general policy for all Islamic inmates, correct?

20 A. Yes, ma'am.

21 MS. GRANDE: Thank you.

22 THE COURT: Thank you, Mr. Parrish. Please watch
23 your step stepping down.

24 The plaintiff may call its next witness.

25 MS. MILES: We call Mr. Anthony Wright.

A. Wright - Direct Examination

1
2 ANTHONY WRIGHT,
3
4 having been duly sworn, testified as follows:
5
6

5 THE COURT: You may examine the witness.
6
7

6 DIRECT EXAMINATION
7 BY MS. MILES:

8 Q. Can you state your name for the Court.

9 A. Anthony Wright.

10 Q. Where are you from?

11 A. From New York.

12 Q. What part of New York?

13 A. Queens, New York.

14 Q. Are you married?

15 A. No, ma'am.

16 Q. Do you have any children?

17 A. One.

18 Q. What brought you to North Carolina?

19 A. I came down here to help somebody fix up a house.

20 Q. Mr. Wright, are you in prison now?

21 A. Yes, ma'am.

22 Q. Where are you housed?

23 A. Tabor City.

24 Q. What are you serving time for?

25 A. I'm convicted for murder charge.

A. Wright - Direct Examination

1 Q. How long is your sentence?

2 A. Life since 26.

3 Q. How do you feel about serving a life sentence?

4 A. Well, I'm at -- I'm at peace with it. I really don't try
5 to think about it too much, but it's there. I utilize my
6 religion to try to block it out, even me out. Once in awhile
7 it'll surface and we just chat down Babylon and we just read.

8 Q. Mr. Wright, I want to talk about your time in New York a
9 little bit. While you lived in New York, what type of
10 community did you grow up in?

11 A. Multi-cultural community, a lot of Haitians, large in
12 Queens. There's a lot of Haitians, a lot of Jamaicans and
13 Rastafarians.

14 Q. And are any of the members of your family Rastafarians?

15 A. My brother.

16 Q. When did you become a Rastafarian?

17 A. 2003.

18 Q. Where were you baptized?

19 A. In Bare Hill Correctional Facility.

20 Q. Who baptized you?

21 A. Abuna -- couple of them. Abuna was there, Chris was
22 there, the Abbot was there. So --

23 Q. Why did you become a Rastafarian?

24 A. It made me look at things differently. It made me look at
25 life differently.

A. Wright - Direct Examination

1 Q. What did you do to practice your faith?

2 A. Well, you read, you go into the history of it, you attend
3 service faithfully. That's what you do.

4 Q. And by reading, what exactly do you read?

5 A. Well, you read Rastalogy, you read the Bible and you have
6 certain books out there that you can get. The church tell us
7 that we have to be cautious of the books we read because
8 they're misleading.

9 Q. Mr. Wright, did you celebrate holy days?

10 A. Yes, ma'am.

11 Q. What about holidays?

12 A. We celebrate that, too.

13 Q. How did you celebrate these days while in New York?

14 A. Well, you have four that you celebrated with a feast. You
15 have -- the other three we gather and commemorate about it and
16 that's what we do.

17 Q. Once you were released, did you continue to practice your
18 faith?

19 A. Yes.

20 Q. How?

21 A. Go to the church and continue to read.

22 Q. What's the name of the church you attended?

23 A. Ba Beta Kristiyah.

24 Q. Are you currently a member of that church?

25 A. Yes, ma'am.

A. Wright - Direct Examination

1 Q. How often did you go to church before coming to North
2 Carolina?

3 A. Every Sunday, and I was in -- there was talk about me
4 trying to become a Levi, but I'm still wrestling with myself
5 with that, supposed to go on Wednesday with that -- every
6 Sunday.

7 Q. Mr. Wright, what is a holy day within the Rastafarian
8 faith?

9 A. A holy day is to commemorate a historical event in the
10 divinity of Haile Selassie I.

11 Q. And what's a holiday?

12 A. A holiday is like Ethiopian New Year's, Christmas and
13 Constitutional Day, like sometimes where certain things happen
14 at that time.

15 Q. So is there a difference between celebrating a holy day
16 and celebrating a holiday?

17 A. Yes.

18 Q. What's that difference?

19 A. Well, for me I look at -- like Constitutional Day, I look
20 at that day like the laws and stuff that Constitutional Day
21 that Emperor Haile Selassie I established. I use that like the
22 rules and the laws of inside the facility. We try to walk like
23 there is rules governing my life. I try to walk like that.

24 Q. How many holy days are there in the Rastafarian faith?

25 A. There's four holy days.

A. Wright - Direct Examination

1 Q. And what do you celebrate on January 7th?

2 A. That's a holiday.

3 Q. So what do you celebrate on that day?

4 A. That's Christmas.

5 Q. And how do you celebrate this day?

6 A. Well, we gather and we'll discuss what it means to us as

7 Joshua Christ being divine and Emperor Haile Selassie being a

8 part of the branch and we just -- we compare what happened back

9 then to what's happening into modern times.

10 Q. Is a meal required for this day?

11 A. No.

12 Q. What do you celebrate on May 5th?

13 A. May 5th is Fasika.

14 Q. Is this considered a holy day or holiday?

15 A. It's holy day.

16 Q. What is the importance of Fasika?

17 A. Mussolini invaded Ethiopia in 1936 and occupied it for

18 five years and May 5th is when Emperor Haile Selassie I

19 retrieved it back.

20 Q. Does this day require a meal?

21 A. Yes, ma'am.

22 Q. What does the meal consist of?

23 A. The meal is -- it's a veggie meal because at the time the

24 warden didn't have time to prepare anything else, so it was

25 something put together and commemorate of that day.

A. Wright - Direct Examination

1 Q. Can you tell the Court what happens on July 16th?

2 A. July 16th is Constitutional Day. It's when the Imperial
3 Majesty established the constitution to govern Ethiopia.

4 Q. Is this day considered a holy day or holiday?

5 A. Holiday.

6 Q. Is a feast required for this day?

7 A. No, ma'am.

8 Q. What happens on July 23rd?

9 A. July 23rd is Earth Day, the second coming of Emperor Hale
10 Selassie I.

11 Q. Is this considered a holy day or holiday?

12 A. It's a holy day.

13 Q. And what is the importance of this day?

14 A. It's the second coming of Christ, Emperor Haile Selassie
15 I.

16 Q. Does it require a meal?

17 A. Yes, ma'am.

18 Q. What does the meal consist of?

19 A. We have chicken, fish, I believe goat, rice, corn and
20 plantains and stuff like that.

21 Q. What happens on September 11th?

22 A. September 11 is Ethiopian New Year's as we Rastafarians
23 consider ourselves abstaining Ethiopian, so it's Ethiopian New
24 Year's.

25 Q. Is this a holy day or holiday?

A. Wright - Direct Examination

1 A. Holiday.

2 Q. Mr. Wright, can you tell the Court what is celebrated on
3 October 7th?

4 A. October 7th is Negus Day, so Emperor Selassie I was
5 crowned King October 7, 1928.

6 Q. Would this be considered a holy day or holiday?

7 A. Holy day.

8 Q. How is this day celebrated?

9 A. With a -- we commemorate of the holiday and we gather
10 after we discuss what it means to the Rastafarian community,
11 after everything is said and done we have a feast.

12 Q. What does the feast consist of?

13 A. Certain menu the church has set up for us similar to
14 July 23rd.

15 Q. And can you tell the Court what is celebrated on
16 November 2nd?

17 A. November 2nd is Transfiguration Day, and they have it as a
18 Coronation Day, it's the same, but it's the Crown Emperor Haile
19 Selassie I, King of Kings, Lord of Lords, Conquering Lion Tribe
20 of Judah. We gather -- it's a holy day, we gather and we
21 commemorate on it, and then you have a feast, too.

22 Q. What does the feast consist of?

23 A. There's a menu set up. It consists of like the same as
24 the other three.

25 Q. Mr. Wright, is celebration of these days important to the

A. Wright - Direct Examination

1 practice of your faith?

2 A. Yes, it is.

3 Q. Why?

4 A. Because it highlights the time Emperor Selassie I on that
5 lineage to November 2nd. He just didn't -- he crowned King of
6 Kings, Lords of Lords. It was -- he transfigurated. First he
7 was Rastafari -- first he was Ras, then Ras Tafari, then he was
8 Emperor Selassie I. So it was like certain steps before he
9 became Emperor Selassie I.

10 Q. And to the best of your knowledge, how is the menu
11 selected for the days in which a meal is required?

12 A. Well, the church, the church sets up the menus. So as far
13 as me helps them setting it up, me don't know that part right
14 there, but I know that it was always a menu. We never deviate
15 from that menu.

16 Q. Mr. Wright, how did you celebrate these holy days while
17 you were incarcerated in New York?

18 A. We celebrated without any problems. They just -- it was
19 already set up. Like the church had it in writing and it was
20 there.

21 Q. Were you able to gather communally?

22 A. Yes.

23 Q. Were you able to celebrate with a meal?

24 A. Yes.

25 Q. Was the menu for the meal already set or did you guys --

A. Wright - Direct Examination

1 A. No. We prepared the meal with fundraisers and stuff like
2 that. We prepared the meal and served it.

3 Q. And once you were released, how did you celebrate holy
4 days?

5 A. Well, you can go to the church at the time. I came to
6 North Carolina around November, so we didn't celebrate at the
7 church, we celebrated individually at the house.

8 Q. Mr. Wright, what prison were you first admitted to?

9 A. In North Carolina?

10 Q. In North Carolina.

11 A. CP, Central Prison.

12 Q. Do you remember what year that was?

13 A. 2010.

14 Q. Were you convicted when you were admitted to Central
15 Prison?

16 A. No.

17 Q. Mr. Wright, what is a safe keeper?

18 A. A safe keeper, is many reasons, either you're a problem in
19 the county or medical reasons. Or -- I came for religious
20 purposes, the facility -- the jail I was in, they used to come
21 in the block and just do regular Christian service, and I
22 complained about it so they just sent me to Central Prison.

23 Q. And at that time were you considered a safe keeper?

24 A. Yes.

25 Q. Once you were convicted, did you stay at Central Prison?

A. Wright - Direct Examination

1 A. Yes.

2 Q. Why?

3 A. I don't do too much moving around when I'm incarcerated.
4 I stay where I'm at. So I stayed at CP, and I just felt that
5 it was in Raleigh, it was close to the airport. I just felt it
6 was better for me to stay there.

7 Q. Did you have a job in Central Prison?

8 A. Yes.

9 Q. What was that job?

10 A. The last job I had was canteen, but I worked in the
11 kitchen, I worked in the kitchen -- I worked in the hospital, I
12 worked in mental health and the last one was canteen.

13 Q. And how long were you in the position for canteen?

14 A. Twenty-six months.

15 Q. As a safe keeper and once you were finally convicted, did
16 you continue to practice your faith while at Central Prison?

17 A. Yes.

18 Q. How?

19 A. First they didn't have -- they didn't have it -- I read my
20 Bible and stuff like that, but first they didn't have it, so I
21 spoke to the chaplain about it.

22 And while I was safe keeper, I had the policy and
23 procedure of the Rastafarian. So when I inquired to the
24 chaplain about it, I went to the chaplain and I had the
25 policies and stuff like that. So we spoke about it and then I

A. Wright - Direct Examination

1 went to rec, and when I went to rec, they called me to come up
2 there. Supposedly I had contraband, I had the policy, and I
3 was put in the hole for it. So when I got out of the hole, I
4 continue on this journey for the services.

5 Q. Did you attend group services?

6 A. No, they didn't have it there.

7 Q. Were there any other practicing Rastafarians at Central
8 Prison?

9 A. Yes.

10 Q. How many?

11 A. There was about -- I'll give it about probably about 13,
12 but I know that you can't -- by the people that walk around
13 with crowns, you can't count those. So the people that attend
14 services, those are the ones that I would count.

15 Q. Mr. Wright, were you a faith helper at Central Prison?

16 A. In the beginning I wasn't.

17 Q. Did you become a faith helper?

18 A. Yes.

19 Q. What is a faith helper?

20 A. A faith helper is like you help the community with the
21 faith. It's like you're the bridge between you and the
22 population and the chaplain, so I assist on both sides if
23 needed.

24 Q. Can you tell the Court, what was some of your
25 responsibilities as a faith helper?

A. Wright - Direct Examination

1 A. I prepared weekly topics. It was -- it was told to me
2 that if something goes wrong in the services that I would be
3 held accountable, so I had to be mindful of that. I had to
4 always think of the community and what can hurt the community.

5 Q. And what year did you become a faith helper?

6 A. 2013.

7 Q. How long were you a faith helper?

8 A. Until it was shut down in 2017.

9 Q. And are you currently a faith helper at Tabor?

10 A. No.

11 Q. How did you become a faith helper?

12 A. In the beginning you had to apply as a faith helper, so we
13 just felt that it was the right time for me to become a faith
14 helper. He just -- it can be demanding sometimes, so he just
15 felt that it was just a good opportunity now for me to become
16 faith helper.

17 Q. Did you have to fill out any applications?

18 A. Yes.

19 Q. What qualifies you as -- what qualifications did you have
20 to have in order to become a faith helper?

21 A. First of all, you have to be knowledgeable of the faith
22 and you had to have -- the write-ups had to be an -- A and B
23 charge had to be a year, and C and D charge had to be six
24 months infraction free.

25 Q. And did you have any disciplinary infractions?

A. Wright - Direct Examination

1 A. Yeah, I had -- I think I had two at that time.

2 Q. Are they for any acts of violence?

3 A. Yes.

4 Q. What about gang affiliation?

5 A. No gang affiliation.

6 Q. Did you have to show that you had knowledge of the faith
7 in order to become a faith helper?

8 A. Yes.

9 Q. How was that tested?

10 A. Well, they -- I can't really -- they ask you certain --
11 they just ask you whether or not you know. It's not -- they
12 really -- they really don't know.

13 Q. Mr. Wright, were there any religious group services held
14 for Rastafarians at Central Prison when you first arrived?

15 A. No.

16 Q. What led you to believe that there were not group services
17 for Rastafarians?

18 A. Because I asked around.

19 Q. What steps did you take in order to receive religious
20 group services for Rastafarians?

21 MS. GRANDE: Your Honor, I object. This is
22 cumulative and this is irrelevant. We have already covered
23 what steps he took.

24 THE COURT: Sustained.

25 Next question. We've been over that.

A. Wright - Direct Examination

1 BY MS. MILES:

2 Q. Mr. Wright, what days were the group services held?

3 A. Tuesday from 9:30 to 10:30.

4 Q. And who were the group services open to?

5 A. It was open to the population.

6 Q. Was it just open to registered Rastafarians?

7 A. No.

8 Q. What would happen if someone was in segregation for a
9 disciplinary infraction?

10 A. In segregation? They would be in segregation, I have no
11 way of seeing them.

12 Q. Would they be able to attend the group services?

13 A. No.

14 Q. As a faith helper, did you monitor who came into the group
15 services?

16 A. Yeah. I paid attention to certain -- yeah, I paid
17 attention to it, yes.

18 Q. And were chaplains present during group services?

19 A. Yes, they was present.

20 Q. How many?

21 A. It was only one.

22 Q. Were there any officers present during group services?

23 A. Sometimes they don't be, you know, but usually there is
24 one.

25 Q. How many?

A. Wright - Direct Examination

1 A. One.

2 Q. Mr. Wright, do you know of staff members at Central Prison
3 attending any other group services or programs?

4 A. There is I believe, yeah, they be.

5 Q. What about the Kairos meeting, do you know anything about
6 that?

7 A. Yes, they be. Yes, they there.

8 Q. What do you know?

9 A. You have a lot of staff members there coming to Kairos.

10 Q. And how do you know this?

11 A. Because at one time I was in canteen, but at the WRB where
12 they held -- they be holding these events at, you walking by
13 when you going to programs, either you going to unit two
14 somewhere down there, you walk by, you'll see, you'll see them
15 walking up the hallway or something like that.

16 Q. And Mr. Wright, you said you're currently at Tabor
17 Correctional, correct?

18 A. Yes.

19 Q. Are there Rastafarians at Tabor?

20 A. Yes, a lot of Rastafarians at Tabor.

21 Q. Do you have group services at Tabor?

22 A. No.

23 Q. Do you celebrate holy days or holidays at Tabor?

24 A. No.

25 Q. I want to talk a little bit more about the holy days or

A. Wright - Direct Examination

1 holidays that you celebrate.

2 How soon after you were admitted to Central Prison did you
3 notice that Rastafarians were not able to celebrate holy days?

4 A. I got there, I think, April of 2010 and I asked around. I
5 asked -- I had asked the chaplain.

6 MS. GRANDE: Your Honor, we've already covered this.

7 THE COURT: We have. We've been over this.

8 BY MS. MILES:

9 Q. Mr. Wright, did you speak with anyone regarding the
10 celebration of holy days?

11 A. Yes, I spoke to a couple guys.

12 Q. Who?

13 A. A couple Rastafarians. You talking about as far as staff?

14 Q. Staff, yes.

15 A. Yes. I spoke to the staff. It didn't -- it didn't become
16 an issue until I realized that they -- they wasn't providing
17 for us. I thought that they was providing something, but they
18 wasn't providing it, then I questioned about it.

19 Q. Do you recall who you specifically spoke to, which
20 chaplain?

21 A. Yeah. It was the first -- when I looked at the policy and
22 I saw the policy is wrong, I spoke to Chaplain Speer -- and I
23 spoke to Chaplain Speer and we spoke about it and he got in
24 contact with the church in New York, but it didn't become an
25 issue until July, July, I think it was '14 or something like

A. Wright - Direct Examination

1 that, July when we didn't have that feast, that's when I filed
2 a grievance about it.

3 Q. And when did you file a grievance again?

4 A. I think it was either July 23rd, 2014 or 2013, I don't
5 know.

6 Q. Did prison officials respond?

7 A. Yes, they responded.

8 MS. MILES: Your Honor, may I show the witness what
9 has previously been marked as Exhibit 1?

10 THE COURT: You may.

11 BY MS. MILES:

12 Q. Mr. Wright, is this a copy of the grievance you filed?

13 A. Yes, ma'am.

14 Q. What date did you file this?

15 A. July 23rd, 2013.

16 Q. And is this your signature at paragraph 7?

17 A. Yes.

18 MS. MILES: Your Honor, we move to admit what has
19 previously been marked as Plaintiff's Exhibit 1 into evidence.

20 THE COURT: It'll be received.

21 (Plaintiff's Exhibit No. 1 was admitted into evidence.)

22 BY MS. MILES:

23 Q. Looking at this exhibit, did any prison officials respond?

24 A. Yes.

25 Q. Who?

A. Wright - Direct Examination

1 A. Ms. Vines responded, the unit manager of WRB at the time.

2 Q. What was her response?

3 A. The only holy days that will be celebrated are those that
4 are approved and interest in them is made known to the
5 Religious Services staff. She went along with the policy.

6 Q. And can you tell the Court what step in the grievance
7 process was this?

8 A. I believe this is step two.

9 Q. Did you appeal the response?

10 A. Yes, ma'am.

11 Q. And what happened once you appealed?

12 A. It says there's no evidence of staff indifference. The
13 grievance considered resolved at that level.

14 Q. And did another staff member respond?

15 A. I don't see -- I don't -- yes, Mr. Joyner.

16 Q. After you appealed, did the grievance resolve your
17 problem?

18 A. No.

19 Q. Can you tell the Court what you do in preparation for
20 celebration of holy days?

21 A. Well, you -- in New York -- I'm saying, in New York, it's
22 already a set menu, so --

23 MS. GRANDE: Your Honor, this has already been
24 covered. It's cumulative and --

25 THE COURT: Just focus. He's already told us about

A. Wright - Direct Examination

1 this.

2 BY MS. MILES:

3 Q. Do you fast, Mr. Wright?

4 A. Yeah, you fast. You fast that day.

5 Q. And how long do you fast?

6 A. I fast all day that day until -- until the feast.

7 Q. Do all Rastafarians fast in preparation of holy days?

8 A. Yes.

9 Q. When you meet on Tuesdays for group services, does that
10 meeting serve as a substitute means for celebrating any of your
11 holy days?

12 A. Yes. You talk about it, you talk about the holiday or the
13 holy day that day.

14 Q. Mr. Wright, we talked about November 2nd being
15 Transfiguration Day. Are you able to celebrate with a feast
16 that day in Central Prison?

17 A. No.

18 Q. Are you able to celebrate with a feast that day in Tabor?

19 A. No.

20 Q. How does that make you feel?

21 A. It overwhelms me. It make me really upset, but it really
22 makes me upset and I can't function, you know, it makes me
23 really angry.

24 Q. And how does not gathering and celebrating with a
25 religious meal affect your ultimate religious practice?

A. Wright - Direct Examination

1 A. Well, we have tenets of the faith and tenets calls for us
2 to breaking of bread and stuff like that. By this not
3 happening, like it makes me feel like I'm not even Rastafarian.

4 Q. How about on November 7th, that's another meal --

5 A. October 7th.

6 Q. October 7th. I'm sorry. Is that another day of the meal?

7 A. Yes, that's King's Day.

8 Q. Are you able to celebrate with a feast in Central Prison?

9 A. No.

10 Q. Were you able to celebrate with a feast at Tabor?

11 A. No.

12 Q. How does not gathering and celebrating with a meal make
13 you feel?

14 A. It makes me angry.

15 Q. How does it affect your religious practice?

16 A. Well, the church tells us Babylon comes in all types of
17 form and fashion, so by them not allowing it, and I know it's
18 right and holy, it makes me mad because you walk around and see
19 your fellow brethren and we know this day is holy to us and we
20 can't -- there's nothing we can do about it, so -- but write
21 and complain and file suits about it.

22 Q. Mr. Wright, you're -- the prison gives you your dietary
23 restrictions based off of your religious needs, correct?

24 A. Yes.

25 Q. Does the dietary restrictions or substitution serve as a

A. Wright - Direct Examination

1 substitute means for celebrating these holy days?

2 A. No, because -- you talking about the vegan diet and stuff
3 like that?

4 Q. Yeah?

5 A. No, because that right there is personal right there,
6 that's personal right there, that's your personal oath you
7 make. And individually person, as long as it's not pork or
8 something like that, you're not obligated to --

9 Q. Mr. Wright, on July 23rd, are you able to celebrate with
10 the meal that day?

11 A. No.

12 Q. Are you able to gather communally?

13 A. No.

14 Q. How does that make you feel?

15 A. Makes me upset.

16 Q. How does that affect your religious practice?

17 A. It strains it. It strains it.

18 Q. What about on May 5th, Fasika, are you able to gather with
19 other Rastafarians on this day?

20 A. No.

21 Q. Are you provided a religious meal?

22 A. No.

23 Q. How does not gathering and celebrating with a meal affect
24 your religious practice?

25 A. That one right there is very dismal because those -- that

A. Wright - Direct Examination

1 was -- that was a time of a physical war and this is like a
2 mental war right now you trying to overcome. You know, you try
3 to. It hurts me. It makes me real upset.

4 Q. Mr. Wright, does May 5th commemorate any sacraments within
5 the Rastafarian faith?

6 A. Passover.

7 Q. Are you able to commemorate your sacrament without
8 celebrating?

9 A. No.

10 Q. Mr. Wright, do you expect Central Prison or any other
11 prison facility to fully fund the celebration of holy days with
12 a meal?

13 A. No.

14 Q. How do you expect to fund these celebrations?

15 A. Through fundraisers and donations.

16 Q. And have you suggested these fundraisers or donations?

17 A. Yes. I spoke to other chaplains about it. They send me
18 to a -- they told me to write a guy named Reagan that was in
19 CP. He comes to the canteen and he's over at the canteen, he
20 comes to the canteen. I used to speak to him and he says he's
21 going to look into it. I was -- I was next door to the social
22 warden of programs and I used to talk to him about it, but it
23 seemed like it never really -- it never went nowhere.

24 Q. Mr. Wright, have you ever seen flyers for advertising
25 special meals?

A. Wright - Direct Examination

1 A. Yes.

2 MS. MILES: Your Honor, may I show this witness what
3 has been marked as Plaintiff's Exhibit 3?

4 THE COURT: Yes.

5 BY MS. MILES:

6 Q. Mr. Wright, have you seen this flyer before?

7 A. Yes, ma'am.

8 Q. Where?

9 A. They give to you to hang up in front of the canteen.

10 Q. And when did you see this flyer?

11 A. June of this year.

12 Q. Can you describe to the Court what this flyer is for?

13 A. It's a fundraiser to generate funds for the committee.

14 MS. MILES: Your Honor, we move to admit what has
15 previously been marked as Plaintiff's Exhibit 3 into evidence.

16 THE COURT: It'll be received.

17 (Plaintiff's Exhibit No. 3 was admitted into evidence.)

18 BY MS. MILES:

19 Q. Mr. Wright, have you ever participated in this fundraiser?

20 A. Yes, I was on the rec committee so I passed it out and
21 stuff like that.

22 Q. Can you describe to the Court how the fundraiser works?

23 A. You have the rec guy, Mr. Stevenson, he go out to various
24 establishments out in the streets and then I guess he come in
25 with a deal and he'll put it up for sale.

A. Wright - Cross-Examination

1 Q. Mr. Wright, are you aware of other groups or religious
2 groups who raised funds for special meals?

3 A. You have Muslim service and Native America service, they
4 raise funds.

5 Q. Are you familiar with the Offender Service Club?

6 A. Who?

7 Q. The Offender Service Club.

8 A. I don't know.

9 Q. Mr. Wright, what is it like not celebrating holy days with
10 a meal?

11 MS. GRANDE: Your Honor --

12 THE COURT: It's covered. You told us about each
13 one.

14 MS. MILES: No further questions, Your Honor.

15 THE COURT: Cross-examination?

16 MS. GRANDE: Yes, sir, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. GRANDE:

19 Q. Mr. Wright, I'd like to go through your history just
20 briefly. Where were you housed in New York?

21 A. Where was I housed?

22 Q. Yep.

23 A. I was at Bare Hill, I was at Walk Hill, I was at --

24 Q. How long were you incarcerated in New York?

25 A. The last seven years.

A. Wright - Cross-Examination

1 Q. So Bare Hill, Walk Hill?

2 A. Yes.

3 Q. Okay.

4 A. Watertown.

5 Q. So 2003 until when?

6 A. 2003 until 2005, and then I went to Walk Hill.

7 Q. Okay.

8 A. I stayed there from 2005 until -- I stayed there until
9 the -- until I got my GED. Once I got me GED, I went to
10 Watertown. From Watertown, I went to Gouverneur.

11 Q. How many years would you say, seven years?

12 A. Yes.

13 Q. How long were you out before you came to North Carolina?

14 A. Well, I came to North Carolina I think November, 2007 and
15 then I went -- I went back to New York, and then I came back
16 down in 2008.

17 Q. So when were you released from prison in New York?

18 A. I was released last August 1st, 2008.

19 THE COURT: You got revoked, is that why you had to
20 go back to New York?

21 THE WITNESS: Uhm-uhm.

22 BY MS. GRANDE:

23 Q. You came back down to North Carolina after doing your time
24 in 2008. What month, do you know?

25 A. I came back -- I came back to North Carolina June, 2009.

A. Wright - Cross-Examination

1 Q. Okay. When were you arrested for murder?

2 A. October, 2009.

3 Q. So is it safe to say you were in and out of prison and
4 were only out for three months before you committed a murder
5 here in North Carolina?

6 A. I was convicted of murder, allegedly, yes. I was only out
7 for three months? No, I was out longer than three months.

8 Q. You were only out three months?

9 A. I was out longer than three months.

10 Q. You were released in June and you were convicted in
11 October.

12 A. You said I -- I told you I came down to North Carolina in
13 June and I was convicted in October -- I was arrested in
14 October.

15 Q. Okay. When you were at Bare Hill in 2003 or Walk Hill or
16 Watertown or Gouverneur, was Chaplain Severin or Abuna Foxe
17 working there?

18 A. Yeah, they come to the facilities.

19 Q. They were both there?

20 A. They coming to various facilities. They have been there
21 when I was there.

22 Q. Were you Rastafarian before you went to prison in New
23 York?

24 A. The last time?

25 Q. Before 2003.

A. Wright - Cross-Examination

1 A. 2003, no.

2 Q. No. So you had never attended Rastafarian churches,
3 tabernacles in the community before 2003?

4 A. No.

5 Q. You have no other experience with different means of
6 Rastafarian?

7 A. I have experience with them. You have different
8 literature that comes around that you would read and if it's
9 good, it's good; if it's not, it's not.

10 Q. And I believe you testified that Abuna Foxe baptized you;
11 is that correct?

12 A. Yeah, he was there.

13 Q. Who created the church Ba Beta Kristiyan?

14 A. Abuna Foxe.

15 Q. So it's his own church?

16 A. It's a Rastafarian church.

17 Q. But he created the church?

18 A. Yeah, yes.

19 Q. And Chaplain Severin also belongs to the same church?

20 A. Yes.

21 Q. When you were incarcerated at Bare Hill or in New York
22 period, did you learn the tenets of the Ba Beta Kristiyan
23 church?

24 A. Yeah.

25 Q. Did you learn them exclusively?

A. Wright - Cross-Examination

1 A. Yes.

2 Q. Did you learn the tenets of the Niyabinghi?

3 A. Niyabinghi?

4 Q. Yes.

5 A. Niyabinghi is not in the tenets of Ba Beta Kristiyan.

6 Niyabinghi is a sect that you -- one of the first sects.

7 Q. It's the first one, correct?

8 A. Yes.

9 Q. So Ba Beta Kristiyan is another sect, correct?

10 A. Well --

11 Q. Except for Ba Beta Kristiyan, you all believe you're the
12 only sect?

13 A. No, no. See, Emperor Selassie I celebrated us to
14 modernize and centralize, so to steal away from different
15 mansions to bring the organization together, which is Imperial
16 Ethiopian World Federation umbrella. So we -- Niyabinghi was
17 established in the '30s, late '30s until now. A lot of that
18 literature is old literature and we wouldn't use everything
19 that's inside the literature because if we do that, at that
20 time it was a lot of things happening back then, so you have to
21 update the literature.

22 Q. Okay. So I want to be clear. Is Ba Beta Kristiyan, in
23 your opinion, is it an Ethiopian Orthodox church or is it a
24 Rastafarian church or is it both?

25 A. It's Ethiopian Orthodox church, yes, I believe so.

A. Wright - Cross-Examination

1 Q. You believe it's Ethiopian Orthodox?

2 A. Yes.

3 Q. Is Ethiopian Orthodox a Christian church?

4 A. I can't -- I'm not there yet with that right there. I
5 can't go into that.

6 Q. Can it be both Ethiopian Orthodox and Rastafarian?

7 A. I can't answer that for you.

8 Q. So is Ba Beta Kristiyan Rastafarian or is it Ethiopian
9 Orthodox?

10 A. It's a Rastafarian church.

11 Q. Okay. Would you say that Ba Beta Kristiyan requires
12 different things than generally accepted Rastafarian practices?

13 A. No, they all do.

14 Q. I'm sorry?

15 A. They all practice the same.

16 Q. So all Rastafarians are required to be baptized; yes or
17 no?

18 A. You're not going to force me to answer the way you want me
19 to --

20 THE COURT: Do you know?

21 THE WITNESS: Yeah. I can go into it a little bit.
22 I can't --

23 THE COURT: Just start with yes or no. Sir, it's a
24 yes or no and then you can tell me why. But do you know? If
25 you don't know, there are other people here who are experts.

A. Wright - Cross-Examination

1 THE WITNESS: I'm going to let Mr. Severin answer.

2 THE COURT: Okay. That's fine.

3 Next question.

4 BY MS. GRANDE:

5 Q. Do all Rastafarian require sacraments?

6 A. I'm going to let Mr. Severin answer that one.

7 Q. What about diet, do all Rastafarians require a special
8 diet?

9 A. No.

10 Q. Do you require a special diet?

11 A. For medical reasons, yes.

12 Q. What about religious reasons?

13 A. I eat fish, I eat chicken, so...

14 Q. Don't most Rastafarians believe you cannot consume animals
15 that walk?

16 A. No, no.

17 Q. So are most -- in your experience as a faith helper, are
18 most Rastafarians vegetarians or vegans?

19 A. We have some are and some don't.

20 Q. But you are not?

21 A. No, I'm not a vegan.

22 Q. Is it not a tenet of general Rastafarian beliefs?

23 A. No.

24 Q. It's not a religiously mandated diet?

25 A. No. That's not practice, no.

A. Wright - Cross-Examination

1 Q. Again, you've only ever studied Ba Beta Kristiyan tenets
2 and practices, correct?

3 A. It's all --

4 Q. Yes or no?

5 A. I keep telling you, you're not going to have to make me
6 answer the way you want me to answer. It's all embedded in
7 together. It's not that I want to be bias of just seeing Ba
8 Beta Kristiyan.

9 You have a history of the Rastafarian movement that
10 required -- Ba Beta Kristiyan is more up-to-date literature,
11 but we like to call it how the darkness came to light, so back
12 then a lot of versions didn't know -- didn't know that time
13 period they had to eat certain things because they didn't have
14 refrigeration like that in certain areas, so they had to eat it
15 like that. Now it's more modernized. You have refrigeration
16 so you can preserve things.

17 Q. Do you believe that Chaplain Severin and Abuna Foxe are
18 the only religious experts, Rastafarian experts?

19 A. Do I believe?

20 Q. Yeah.

21 A. No. That would be bias for me to say they're the only.

22 Q. So why did you previously just testify that Niyabinghi
23 cannot set the preferences for all Rastafarians?

24 A. Well, I'm going to say, first of all, you wouldn't have a
25 Niyabinghi sit up here and testify for this anyway, so you have

A. Wright - Cross-Examination

1 to go to an expert that is going to be willing to shed light on
2 it. Niyabinghi won't going to sit here and testify for you.
3 They not going to do that.

4 We not supposed to -- Niyabinghi is not supposed to be in
5 a setting like this. So the church is more modernized. They
6 feel that in order for us to grow, you have to deal with
7 environments like this.

8 Q. Do traditional Rastafarians use titles like clergy,
9 levite, deacon, priest?

10 A. Yes. That's traditions of old, of course.

11 Q. Does Niyabinghi use those terms?

12 A. See, you don't want to downplay Niyabinghi because that's
13 the stepping stone of Rastafarian movement, but Niyabinghi
14 still practicing in the bushes so it's not modernized. So I
15 can't really -- and I haven't seen any literature as far as
16 saying a priest, I believe they say priest -- you believe they
17 say priest, but...

18 Q. Does Ba Beta Kristiyan exist anywhere outside of New York?

19 A. Yes.

20 Q. Is there a mansion in North Carolina?

21 A. No, there's no mansion in North Carolina.

22 Q. What is the religious significance associated with the
23 food that you're wanting to consume on holy days?

24 A. You have Passover, you have breaking of bread, so that's
25 one of the tenets of the church.

A. Wright - Cross-Examination

1 Q. Where is it written?

2 A. Where is it written? It's inside the church codes. I got
3 it in my paperwork.

4 Q. Is it in a Bible or in a book?

5 A. I believe it's taken out of the Bible, yes.

6 Q. Is it only contained in a document written by Abuna Foxe?

7 A. See, everything that Abuna Foxe established comes out of
8 the Bible anyway.

9 Q. So everything Abuna Foxe has written or established is a
10 direct commandment from God?

11 A. Of course.

12 Q. Does Abuna Foxe, to your knowledge, do the commandments
13 that he set forth for the Ba Beta Kristiyan, do they require
14 things that are outside or not traditional to the traditional
15 Rastafarian practices?

16 A. Is it outside? I don't know your line of questioning,
17 what you're...

18 Q. Are they in addition to what's generally accepted for
19 Rastafarians?

20 A. Niyabinghi acknowledge it, if that's what you're trying to
21 say.

22 Q. I'm sorry?

23 A. Niyabinghi acknowledge it.

24 Q. Acknowledge what?

25 A. The holy days and holidays.

A. Wright - Cross-Examination

- 1 Q. What about feasts?
- 2 A. Yes, they have feasts. In their paperwork, 2006, their
3 policy, it talks about 13 days of a feast.
- 4 Q. Are the feasts --
- 5 A. All Rastafarian practice it.
- 6 Q. Are the feasts required as a tenet of the faith?
- 7 A. Yes.
- 8 Q. What do they signify?
- 9 A. Breaking of bread.
- 10 Q. Celebration?
- 11 A. Yes. Celebration, feast, yes.
- 12 Q. Is it analogous to an Islam and Ramadan or Eid al-Fitr?
- 13 A. I'm not a priest to speak about that.
- 14 Q. Is it a receipt of a gift from God?
- 15 A. I'll allow the priest to speak about that.
- 16 Q. Is it a receipt of a slice of Heaven?
- 17 A. I'll let the priest speak to that.
- 18 Q. Can you tell me if you ever met Mr. Lassiter?
- 19 A. Yes, I met Mr. Lassiter.
- 20 Q. Ever spoken to him?
- 21 A. Yes.
- 22 Q. Ever asked him anything about Rastafarian groups?
- 23 A. Yes.
- 24 Q. When did you meet with him?
- 25 A. When he was the warden at CP.

A. Wright - Cross-Examination

1 Q. What conversation did you have with him?

2 A. I remember I -- I had asked him -- he -- I don't remember
3 saying -- but I always -- both of them, as far as them, they --
4 they try to accommodate. They try to. I believe it was either
5 Mr. Joyner or Mr. Lassiter authorized a holiday that wasn't a
6 holiday. See, I try to -- Marcus Garvey's birthday, they
7 opened the door for Marcus Garvey's birthday and one of them
8 authorized it.

9 Q. What did Mr. Lassiter do to impede your religious rights?

10 A. I believe he told them to do some research with it.

11 Q. How did he personally violate your religious rights?

12 A. Well, he signed a grievance or something. I believe he
13 did a grievance.

14 Q. So signing a grievance was the amount of his involvement?

15 A. Yeah, I believe he did a grievance or something.

16 Q. Okay. But he never personally told you anything that
17 violated your religious rights?

18 A. The lawyer tells me I have to put him inside that lawsuit
19 because he was the head of the facility at that time.

20 Q. So he's only named because of his title?

21 A. Basically, yes.

22 Q. What about Mr. Joyner, is he only named because of his
23 title?

24 A. Mr. Joyner, he responded to a grievance, and --

25 Q. Let's look at that grievance. I'm going to show you

A. Wright - Cross-Examination

1 what's been marked as Defendant's Exhibit No. 14. I think it's
2 the same grievance that your lawyer showed to you; is that
3 correct?

4 A. You got to pull it up because that is somebody else's
5 name.

6 Q. Does it say Anthony Wright?

7 A. Yes.

8 Q. That's your handwriting right there?

9 A. Yes.

10 Q. Is that what you're talking about?

11 A. Yes.

12 Q. And do you know whose initials those are besides
13 Mr. Joyner's name?

14 A. CB Joyner.

15 Q. The scribble that's to the right of his name, do you know
16 whose -- what initials those are?

17 A. I don't know what that is.

18 Q. Do you know whether this is actually Mr. Joyner's
19 signature or not?

20 A. That's his name.

21 Q. Okay. Would you be surprised to know that Mr. Joyner did
22 not sign this document?

23 A. Well, I don't know. It come from his name, that's who was
24 the head of the facility right there at that time.

25 Q. But this is the extent of his involvement you're

A. Wright - Cross-Examination

1 testifying to, correct?

2 A. Yes.

3 Q. So his only action that he took that violated your
4 religious rights is this signature right here that you do --
5 you may or may not know whether it's his or not?

6 A. Well, somebody forged his name?

7 Q. Or someone signed on his behalf?

8 A. If that's what happened, yes. He was the head of the
9 facility.

10 Q. Do you understand that in a 1983 action you're required to
11 have defendants who are personally involved in the deprivation
12 of your rights?

13 A. He's personally involved. He responded to a grievance.

14 Q. That he had an intent to deprive you of your religious
15 rights.

16 A. He governed the facility. He's the head of the facility.

17 Q. What actions did he take that signified his intent?

18 A. Not giving me my right to practice my religion.

19 Q. To violate your right to practice your religion.

20 What actions did he take?

21 A. He denied me what -- he denied that grievance, don't I
22 have to go through administrative remedy?

23 Q. What about the same question for Chaplain Brown, have you
24 ever met her in person?

25 A. I never met Chaplain Brown.

A. Wright - Cross-Examination

1 Q. What actions did she take to violate your religious
2 rights?

3 A. Chaplain Brown, everything that goes through religious
4 service has to go through Chaplain Brown. So Chaplain Brown, I
5 believe she has next-to-the-last say in the matter, so....

6 Q. What actions did she take to violate your beliefs?

7 A. She was the overseer of the chaplaincy.

8 Q. How did she intentionally deprive you of your religious
9 rights?

10 A. She told them not to deal with New York City. She told
11 them --

12 Q. How do you know that?

13 A. Because her staff told me this.

14 Q. Who?

15 A. Chaplain Speer, for one; Chaplain Stratton told me that,
16 too. She told me to find a church inside North Carolina,
17 that's what she told me.

18 Q. Were you able to do that?

19 A. She told them to find a church in North Carolina. She
20 didn't tell me to search for it.

21 Q. Were they able to do that, to your knowledge?

22 A. Well, I --

23 Q. Was that because one doesn't exist in North Carolina?

24 A. Yes. I knew they was never going to be able to find a
25 church in North Carolina.

A. Wright - Cross-Examination

1 Q. So in your plan about these feasts, if you want to have
2 members of your sect bring in feast meals, volunteers, where do
3 you propose we get the volunteers from?

4 A. Well, it was never --

5 Q. I'm asking you a question. Where do we get volunteers
6 from if there are no Ba Beta Kristiyan mansions in North
7 Carolina?

8 A. You didn't have to -- didn't have to follow or be a part
9 of Ba Beta Kristiyan to find a faith -- find an overseer to
10 come inside. You didn't have to. They had it before.

11 Q. They didn't have to be members of the Rastafarian or the
12 Ba Beta Kristiyan community?

13 A. As long as they was Rastafarian and they was coming in --

14 Q. Is it because other Rastafarians don't recognize these
15 feast meals so they wouldn't bring them to you?

16 A. No, that's not what was -- that wasn't the case.

17 Q. Okay. And when you were a faith helper at Central Prison,
18 were you allowed to attend weekly services?

19 A. Yes.

20 Q. I believe you testified that during your Tuesday services
21 you would discuss whatever that particular week's holy day or
22 holiday may be, correct?

23 A. If it was coming up --

24 Q. If it was coming up or it had already passed?

25 A. -- I would tell them that they know there's a holiday

A. Wright - Cross-Examination

1 coming.

2 Q. And you would discuss it?

3 A. No, we wouldn't discuss it.

4 Q. Would you engage in --

5 A. That day -- we have to discuss it on the day that it
6 comes. We will say that it was coming up and --

7 Q. I believe you already testified that it was a substitute
8 for the actual corporate services. You said yes, we discuss
9 it.

10 A. We discuss all -- we discuss everything in the Rastafarian
11 circle, but --

12 Q. Your lawyer asked you, do groups serve as a substitute for
13 holy days and you said, yes, we talk about it.

14 A. No, it's not a substitute for that. We don't never have
15 substitute for those days, never, because those day have to be
16 on the same day that it is.

17 Q. Okay. Do you go to the chow hall every day?

18 A. Yeah, I go to chow hall every day.

19 Q. And what is stopping you from having a communal meal with
20 other general population inmates in the chow hall?

21 A. Them cuffs that they put on me if I try to do that.

22 Q. You're not allowed to sit at a table with other
23 Rastafarian inmates and eat?

24 A. No, no, not as far as organized like that, we can't do
25 that. It has to be --

A. Wright - Cross-Examination

1 Q. You can't all sit at the same table?

2 A. We can sit at the same table, yeah. We don't come out to
3 chow together like that.

4 Q. Would that satisfy the purposes of breaking the bread or
5 eating together?

6 A. No, no, it wouldn't satisfy. No, no.

7 Q. Have you ever tried?

8 A. Why would I try? That's not a requirement for us to do
9 inside together like --

10 Q. It's not a requirement for you to eat together?

11 A. It's supposed to be a church setting. That's not a church
12 setting.

13 Q. Is there any other group that has a church setting feast
14 meal? Do they all eat in the chow hall?

15 A. Some of them eat -- some of them eat in the gym. But I'm
16 talking about as far as corporate the church supposed to come
17 together.

18 Q. I'm asking about the feast meals.

19 A. Not for me to organize outside of that church. If I go
20 try that, they going to lock me up.

21 Q. So on November the 2nd, you say you're required to have a
22 feast meal?

23 A. Yes.

24 Q. You go to the chow hall on November 2nd?

25 A. No, I will fast that day. Me personally, I'm going to

A. Wright - Cross-Examination

1 fast until nighttime.

2 Q. Okay. What about the following day, November 3rd?

3 A. Then I go to mess hall lunchtime -- dinnertime.

4 Q. And you can sit and eat with other Rastafarians there?

5 A. They don't --

6 Q. Yes or no?

7 A. No, no. They don't come call us out like that.

8 Q. Are there other members of your group, your Rastafarian
9 group that would be eating in the mess hall at the same time as
10 you?

11 A. A lot of times, yes.

12 Q. And you can sit with them?

13 A. No, I can't sit with them.

14 Q. What's prohibiting you from sitting with them?

15 A. Because it's the order they call chow and whoever gets
16 down there, it's not -- you don't come to chow like that
17 together. The order is they call the second floor, they call
18 the third floor, so we don't organize in the first place, we
19 don't organize like that.

20 Q. Are there other Rastafarians on your floor?

21 A. Nah, I don't -- I'm not in CP no more anyway; but at that
22 time, there was none on my side. They was all on the third
23 floor.

24 Q. Why aren't you the faith helper anymore?

25 A. Why?

A. Wright - Cross-Examination

1 Q. Yeah.

2 A. Because I was moved to Tabor City, and I was --

3 Q. Is it because you incurred a disciplinary infraction?

4 A. They destroyed my literature; and, yeah, it was, they
5 threw it out though.

6 Q. And you disobeyed orders?

7 A. I appealed it and they threw it out.

8 Q. When did the dismissal come back?

9 A. Yesterday, ma'am.

10 Q. Okay. So is it possible now for you to reapply to serve
11 as a faith helper at Tabor?

12 A. It's possible, but would it be wise for me to do it at
13 Tabor is another question.

14 Q. Why would it not be wise for you to do it at Tabor?

15 A. Because I was sent to Tabor as a punishment, so --

16 Q. Did you or did you not tell Mr. Atkins that you wished to
17 go to Tabor or that you wanted to be promoted and transferred
18 from CP?

19 A. No, no. I specifically put inside my complaint, could I
20 be -- could I stay at Central Prison until this case is over
21 with.

22 Q. So during -- when you were working at the canteen and
23 prior to the time that Mr. Atkins retired, you did or you did
24 not tell him that you wanted to be transferred away from
25 Central Prison?

A. Wright - Cross-Examination

1 MS. MILES: Objection, Your Honor. Asked and
2 answered.

3 THE COURT: Next question.

4 THE WITNESS: No.

5 BY MS. GRANDE:

6 Q. Were you, in fact, promoted in custody when you were
7 transferred to Tabor?

8 A. Yes. I was promoted and usually when you're promoted they
9 ask you what facility do you want to go to.

10 Q. So you were going to be transferred from Central Prison
11 regardless due to the fact that you were promoted to medium?

12 A. Yes, in September.

13 Q. Okay. So you weren't transferred in retaliation; you were
14 transferred because you were promoted?

15 A. I was transferred in retaliation, yes. I was transferred
16 because of retaliation, yes.

17 Q. Is it true that you pressured Vernon Platt to give up his
18 position as faith helper?

19 MS. MILES: Objection.

20 THE WITNESS: No.

21 THE COURT: He said no. Next question. Let's stay
22 focused here.

23 BY MS. GRANDE:

24 Q. I believe you testified that you can't pay attention to
25 people who walk around with crowns because they don't count as

A. Wright - Cross-Examination

1 Rastafarians; is that right?

2 A. Yes.

3 Q. So who counts as Rastafarians?

4 A. The ones who come to services. I can't judge on that, but
5 as far as the ones who come to service because everybody have
6 these crowns on and you don't know who is who. So when you
7 come inside the circle, those are the ones that we identify
8 with, that I would be around.

9 Q. So can you tell me, based on your experience as a faith
10 helper, do inmates -- are there more Rastafarians that declare
11 to be Rastafarians just to wear crowns or dreadlocks?

12 A. I don't know their personal reasons, but what I feel is
13 that due to the temperature they keep this to keep their head
14 warm.

15 Q. So, for example, at Tabor there are 160 declared
16 Rastafarians. To your knowledge, are there 160 Rastafarians
17 wishing to practice at Tabor?

18 A. If they was to open up the Rastafarian community and you
19 see who comes up inside there, that's how I personally identify
20 who is a Rastafarian, because you have to come to service in
21 order for me to identify who you are.

22 Q. What about at Central Prison, how many Rastafarians do you
23 think were declared?

24 A. At any given time you might have about -- at the most I
25 ever seen come up is about 11.

A. Wright - Cross-Examination

1 Q. That come to service?

2 A. Yes.

3 Q. But would it surprise you to learn that there's more than
4 100 declared?

5 A. So that makes it more easier for me to say that it
6 wouldn't be that expensive for the feast, would it?

7 Q. You're saying because there's only 11 that attend?

8 A. Yes.

9 Q. But wouldn't the feast have to be open to all declared
10 members of the Rastafarian group?

11 A. If they chose to participate, and that's not the case. I
12 believe that wouldn't be the case.

13 Q. But you don't know?

14 A. I don't know.

15 Q. And you're not involved in the purchasing or the process
16 or the planning for the finances of the groups, correct?

17 A. No.

18 Q. And do you know what the purpose of the Zakat fund is?

19 A. Well, from my understanding is that --

20 Q. It's a tenet of the Rastafarian faith to do community good
21 works, correct?

22 A. Yes. From my understanding that --

23 Q. Excuse me. It's the --

24 THE COURT: Ms. Grande, you asked him a question, you
25 didn't give him a chance to answer the question about the Zakat

A. Wright - Cross-Examination

1 fund, and then he started to answer and then you asked him
2 another question and then you asked him another question.

3 The process is if you want an answer to your
4 question, ask it, let him answer. Once he answers, ask him
5 another question, but don't interrupt him.

6 Now, let's get the record at least clear and also be
7 a lot more helpful for the court reporter.

8 Ask a question, if you want to ask it, and then let
9 him answer it.

10 Next question.

11 BY MS. GRANDE:

12 Q. Do you know what the purpose of the Zakat fund is, Mr.
13 Wright?

14 A. I didn't even know about the fund -- yes, I did. I knew
15 that they purchased certain things for us, but I didn't know to
16 the extent what it is.

17 Q. So you have no idea how it is administered or collected,
18 correct?

19 A. No.

20 Q. Okay. And I believe that pizza flyer that you testified
21 about that you were part of some committee -- what committee
22 were you on?

23 A. I was rec committee.

24 Q. I'm sorry?

25 A. Rec committee.

A. Wright - Cross-Examination

1 Q. Red?

2 A. Rec committee.

3 Q. Rec. What does that mean?

4 A. They have funds, they have sales and stuff to generate
5 money for certain festivities.

6 THE COURT: Is "rec" short for recreation?

7 THE WITNESS: Yes.

8 BY MS. GRANDE:

9 Q. Were the proceeds of that sale given to a charitable
10 organization?

11 A. Yes, they just started doing that.

12 Q. And it says that on the flyer, right?

13 A. They just started doing it, yes.

14 Q. So the proceeds from the sale of those pizzas was not for
15 inmate's own benefit, right?

16 A. I don't know to the extent what they do with everything of
17 it, so I don't know.

18 Q. I mean, it says it on the flyer, correct?

19 A. It says one thing, but there's a lot of other stuff was
20 going on with that that I didn't know, so --

21 Q. Okay.

22 A. -- I can't fully say.

23 Q. I'm going to show you what's been marked as Defendant's
24 Exhibit No. 12. Is this your handwriting?

25 A. Yes.

A. Wright - Cross-Examination

1 Q. Okay. And what's the purpose of this grievance?

2 A. This was that -- I was -- I believe it was -- I want to
3 say this is when Speer was head of chaplain.

4 They used to say that they can't do certain things within
5 the Rastafarian circle; that they couldn't extend the time and
6 certain things like that, and I was trying to show them that
7 they was favoritism towards different groups. Like Sunday they
8 allow the facility to -- they allow the Christian church to
9 prepare for -- to get their Gospel stuff together and then they
10 have their worship service. So I believe it was in the matter
11 of trying to get like get 15 extra minutes for one day or
12 something like that.

13 Q. And --

14 A. And Mr. Lassiter -- I remember, Mr. Lassiter, he was
15 trying to tell us that they was -- I think they had some
16 Catholic service or something in that nature, but he was trying
17 to tell me that that doesn't apply to -- as the Christian
18 service, the Gospel church.

19 Q. And you agreed with his response, right?

20 A. I don't remember that one.

21 Q. Did you check "yes," agree?

22 A. Yeah, I probably did because it was --

23 Q. So they resolved your grievance for you and they answered
24 your question, right?

25 A. He resolved that grievance right there. I'm not -- I want

A. Wright - Cross-Examination

1 to be clear that it's not -- none of this is personal toward
2 Mr. Lassiter or Ms. Stratton, none of this is personal.

3 As me being a Rastafarian, we try to shed light on certain
4 things that's not right, that's all I try to do. And when
5 something hinders me from doing that, it stirs me up where I
6 can't practice my faith because that's part of my religion. So
7 there's nothing personal toward none of it.

8 Q. But you named them in a lawsuit.

9 A. Of course, because you're not allowing me to -- that's
10 what the book told me to do. I followed it to the T. It told
11 me that I have to follow my remedies, and I followed my
12 remedies. That's why we here today.

13 Q. And you've requested money from them as well?

14 A. Well --

15 Q. But you're saying that it's nothing personal?

16 A. The book told me what to do. I didn't -- I learned as I
17 was going along with the book. So it told me -- I truly wasn't
18 understood of what capacity or official, so I just put both.
19 It's not -- it's not nothing personal.

20 Honestly, all I really want is to be able to practice my
21 religion. That's all I want. That's what this is all about.
22 It was never about no funds or nothing like that, but I just
23 put -- the more I put in there, the better off I'd be.

24 I didn't even figure it would go this long. I just
25 figured they were going to see that I was telling the truth and

A. Wright - Cross-Examination

1 that was that.

2 You think I honestly want to be here going against this?
3 I still want to practice my religion to the T, what it tells me
4 I'm required to do.

5 Q. Your version of Rastafarian?

6 A. No, it's not my version.

7 Q. Ba Beta Kristiyian's version?

8 A. Of course.

9 Q. What Abuna Foxe has written?

10 A. Do you know what Ethiopian World Federation is? Do you
11 understand it? I feel like that's what the problem is,
12 nobody's taken time to really research it or go into it. They
13 not doing it.

14 THE COURT: Next question.

15 BY MS. GRANDE:

16 Q. Let's look at what's been marked as Defendant's
17 Exhibit 13. Is this your handwriting again?

18 A. Yes, ma'am.

19 Q. Did you fill this out?

20 A. Yes.

21 Q. Okay. And here, did they explain to you what you were
22 permitted to have or not have, what practices you were
23 permitted to engage in or not engage in?

24 A. They said, according to their paperwork, that's what I was
25 entitled to have and I appealed it.

A. Wright - Cross-Examination

1 Q. And then you agreed?

2 A. I didn't agree.

3 Q. Did you check box 32, agree with grievance response?

4 A. No, I didn't agree on -- I didn't agree on that right
5 there.

6 Q. So that's not your signature?

7 A. It may be my signature. Then Mr. Joyner didn't sign his
8 so how could I check that? That's my signature right there. I
9 don't remember checking no grievance.

10 Q. Okay.

11 A. That's not the core of the grievance of this case.

12 Q. Let's look at what you had submitted previously to
13 Chaplain Brown. I apologize.

14 It's Defendant's Exhibit No. 11. This is your DC-572; is
15 that right?

16 A. Yes.

17 Q. And here where you're requesting what religion you want
18 recognized you write Rastafarian?

19 A. Yes.

20 Q. Not Ba Beta Kristiyan, not Ethiopian World Federation, not
21 Ethiopian Orthodox; Rastafarian, right?

22 A. Yes, but Mr. Speer told me that being -- he pulled me --
23 being the fact that it's already recognized that that
24 wouldn't -- I will have to -- he told me I have to do something
25 else, but I may have -- I really didn't understand how to put

A. Wright - Cross-Examination

1 it down on this paper, so it might have been me speeding to do
2 it.

3 Q. So the Rastafarian religion where you write "Rastafarian,"
4 does that encompass all mansions of Rastafarianism?

5 A. Does it -- huh?

6 Q. Does it encompass all four mansions of Rastafarianism?

7 A. There's more than four mansions of Rastafarian.

8 Q. How many is there?

9 A. I don't know the exact number, but I know it's over 10.

10 Q. Is there a separate policy for every mansion of
11 Rastafarian?

12 A. No, not governing around those holidays.

13 Q. Do you believe there should be a separate policy for every
14 mansion?

15 A. No, not governing around those holidays. Those holidays
16 are the core holidays of all the mansions of Rastafarian.

17 Q. So all Rastafarians celebrate Ethiopian Christmas?

18 A. All Rastafarian.

19 Q. And all Rastafarians celebrate Fasika? Or Constitution
20 Day?

21 A. All Rastafarian, yes.

22 Q. Aren't those less important than other Rastafarian
23 holidays?

24 A. It has a significant meaning. I'm not going to say it's
25 less important. It has a significant meaning --

A. Wright - Cross-Examination

1 Q. But for Ba Beta Kristiyans, those are important holidays,
2 you say, correct?

3 A. They Rastafarian holidays.

4 Q. Okay. And for regular Rastafarians or let's say
5 Niyabinghi Rastafarians, are those important holidays?

6 A. Yes, it is.

7 Q. Would you be surprised to learn that New York doesn't --
8 no longer recognizes November 7th?

9 A. They never recognized November 7.

10 Q. October 7th. I apologize.

11 A. October 7th is King's Day. It's King's Day. They going
12 to acknowledge it. That's King's Day.

13 Q. If you're saying that New York recognizes all the holidays
14 that you need recognized, is that the policies as they existed
15 when Abuna Foxe was in charge or the policies as they exist
16 now?

17 A. The policies still exist today.

18 Q. And do you know whether they still recognize all the
19 holidays you're seeking here?

20 A. I didn't hear what you said.

21 Q. Does New York still have the holidays, every one that you
22 have requested here today?

23 A. Yes.

24 Q. Have you ever attended a Niyabinghi mansion tabernacle
25 celebration?

A. Wright - Cross-Examination

1 A. No.

2 Q. Are you knowledgeable about what they require and what
3 they teach?

4 A. Yes, you'll get some literature on it.

5 Q. What about the Bobo Ashanti or the 12 Tribes?

6 A. Yes, you will get a little bit of literature on it. I
7 never went to -- no.

8 Q. So you don't know what they require either?

9 A. Yes, you will get literature on it.

10 Q. Where do you get literature on it from?

11 A. It'll be floating around somewhere. You'll get ahold of
12 it.

13 Q. Have you read it?

14 A. Yes, I read it. I have some in my property here.

15 Q. Did you attend religious services every week when you were
16 at Central Prison?

17 A. If I didn't go, they weren't open.

18 Q. And did some of those services that you attended occur on
19 the holy days that you have listed that you want recognized?

20 A. Never.

21 Q. Never?

22 A. I don't even remember.

23 Q. I'd like to show you what's been marked as Defendant's
24 Exhibit No. 29. This is on January the 5th. Is there a
25 holiday near January 5th?

A. Wright - Cross-Examination

1 A. No, no holiday.

2 Q. What about January the 7th?

3 A. No, no holiday on January 7th.

4 Q. I believe you listed January 7th is Christmas.

5 A. Yes -- yeah. January 7th, yes, it is.

6 Q. So did you celebrate Christmas on January the 5th instead?

7 A. You can't -- everything I --

8 Q. You can't celebrate it on a different day?

9 A. You have to be on exact days, no.

10 Q. Let's go on down to May the 5th, you went to chapel or --

11 or you had celebration on May 3rd, is that sufficient for May

12 5th?

13 A. No.

14 Q. What about the 16th, is that another holy day that you

15 requested?

16 A. No.

17 Q. Is there one near the 16th?

18 A. Is one near?

19 Q. Uhm-uhm.

20 A. Well, they have a day on there that's Marcus Garvey's

21 birthday is a holiday.

22 Q. Did you or did you not show up for services on the 16th?

23 A. Well, I don't -- to this right here it says canceled. I

24 don't know whether or not I had inventory that day or something

25 that day.

A. Wright - Cross-Examination

1 Q. Right. But you were the faith leader --

2 A. Yes.

3 Q. -- and you didn't come to services that day?

4 A. I could have had -- they probably were doing inventory
5 with my canteen. Sometimes I can't go.

6 Q. So what about on the 23rd, did you show up for services?
7 Could you celebrate on the 23rd?

8 A. No, you can't celebrate on 8/23.

9 Q. On August 23rd, you can't celebrate Marcus Garvey's
10 birthday?

11 A. No.

12 Q. You listed September the 11th. Did you celebrate on
13 September 13th?

14 A. Ethiopian New Year's is on September 11th.

15 Q. You went to services on the 13th. Could you have
16 celebrated on the 13th?

17 A. No, I wouldn't celebrate it on the 13th.

18 Q. What about on October 4th, could you have celebrated a
19 holiday that was coming around on October 7th?

20 A. No, no.

21 Q. All right. What about for November 2nd, could you
22 celebrate the day before, November 1st?

23 A. No, no.

24 Q. Okay. But you attended services on all these days?

25 A. Yes.

A. Wright - Cross-Examination

1 Q. And you could have had your ritual, praying?

2 A. There's no substituting that. It's the day that it
3 occurs, not the day before or day after.

4 Q. Okay. Do you know whether the Islamic faith ever has
5 their actual feast or their ceremonies on Eid al-Adha or Eid
6 al-Fitr?

7 A. No. I don't follow their -- I'm Rastafarian.

8 Q. Is it possible that some days they have it the day before
9 or the day after?

10 MS. MILES: Objection.

11 THE COURT: He said he doesn't know.

12 Next question.

13 BY MS. GRANDE:

14 Q. Do you know whether Green Corn is required by the tenets
15 of the American Indian faith?

16 A. I know they supposed to have a Green Corn. I don't -- I
17 never seen no policy pertaining to them. I have no concern
18 pertaining to them.

19 Q. Do you know whether Eid al-Fitr or Eid al-Adha is required
20 by the tenets of the Islamic faith?

21 A. I know that it's required.

22 Q. Do you know whether the Seder plate is required for Jewish
23 inmates?

24 A. That's new to me from today.

25 Q. Did you ever correspond directly with Chaplain Brown or

A. Wright - Cross-Examination

1 any other DPS officials?

2 A. Yeah. I think Ms. Devan came to us -- came inside the
3 facility one time and I think she wrote me, too, I believe so.
4 But Ms. Brown, I think we corresponded like I think like twice
5 and then she stopped.

6 Q. Is this a letter that you wrote to a DPS official?

7 A. Yeah, Mr. McGovern.

8 Q. And in here don't you say that Chaplain Stratton tries to
9 help you?

10 A. Could you back up? What date was that, please? Is that
11 2013?

12 Q. Uhm-uhm.

13 A. Well, I don't think Ms. Stratton was in her position that
14 she is now, so she's to oversee the Rastafarian.

15 Q. Is it possible for Ms. Stratton to both violate your
16 rights and try to help you?

17 A. Well, I knew her hands was tied. I knew that she --

18 Q. So why have you named her in this lawsuit?

19 A. Because you have to go through your chain of command.
20 That's the whole thing, you have to go through that. That's
21 not something -- you know that, you're the lawyer.

22 Q. How did she ever personally infringe on your --

23 A. Because she denied -- when I requested it, she denied. So
24 I know that she --

25 Q. But here you said she tried to help --

A. Wright - Redirect Examination

1 A. July 23rd, they were supposed allow us to have that and
2 she didn't allow us to have that. So certain things that --

3 Q. So she did some things that you wanted, but didn't do
4 other things?

5 A. When she became the head person, that's when everything
6 started going downhill with it. When she was under Mr. Speer
7 she tried to do the best she could do. But once she got into
8 Mr. Speer's position she just totally -- I'm not going to say
9 totally because Mr. Atkins -- she was doing a lot of things.
10 I'm not going to say that she -- she didn't help me out, she
11 did. I'm not going to -- she help me out the best she could
12 help me out.

13 MS. GRANDE: I have nothing further, Your Honor.

14 THE COURT: Thank you.

15 Anything else?

16 REDIRECT EXAMINATION

17 BY MS. MILES:

18 Q. Mr. Wright, to your knowledge, are nonmembers present
19 during the commemoration of Muslim holy days?

20 A. No, no.

21 Q. Are they present during the meals?

22 A. No, no.

23 Q. And to your knowledge, do the defendants set the policy on
24 how Rastafarians practice?

25 A. Yes, they set the policy.

1 Q. And are you able to practice your Rastafarian faith?

2 A. No. I might have come together for service; but as far as
3 the feasts and stuff like that, no.

4 Q. Is Ba Beta Kristiyan Church of Haile Selassie a
5 Rastafarian church or is it a Christian church?

6 A. It's a Rastafarian church.

7 Q. Does your faith require that meals be provided on
8 celebration of holy days?

9 A. Yes.

10 MS. MILES: No further questions, Your Honor.

11 THE COURT: Thank you.

12 Anything else?

13 MS. GRANDE: No, Your Honor.

14 THE COURT: Thank you, Mr. Wright. Please watch your
15 step stepping down.

16 How many more witnesses does the plaintiff have?

17 MS. MILES: The plaintiff has one more witness.

18 THE COURT: Is that Mr. Severin?

19 MS. MILES: Yes.

20 THE COURT: How many witnesses do you have, Ms.
21 Grande?

22 MS. GRANDE: I believe that I have four.

23 THE COURT: I know your list --

24 MS. GRANDE: I believe I've got four.

25 THE COURT: All right. Let's take a recess until

R. Severin - Direct Examination

1 12:30.

2 (The proceedings were recessed at 12:00 p.m. and reconvened
3 at 12:30 p.m.)

4 THE COURT: The plaintiff may call its next witness.

5 MS. MILES: The plaintiff calls Ralph Severin.

6

7 RALPH SEVERIN,

8 having been affirmed, testified as follows:

9 THE COURT: You may examine the witness.

10

11 DIRECT EXAMINATION

12 BY MS. MILES:

13 Q. Can you state your full name for the Court.

14 A. Ralph B. Severin.

15 Q. What is your current occupation?

16 A. I work with the Ba Beta Kristiyan Haile Selassie I.

17 Q. How long have you been employed there?

18 A. Wow, that's a long time. Over 20 years.

19 Q. Are you a Rastafarian?

20 A. Yes, I am.

21 Q. How long have you been a practicing Rastafarian?

22 A. Practicing Rastafarian, maybe around 22 years, 23 years.

23 Q. When were you baptized?

24 A. I was baptized in the Church of Haile Selassie I 1996,
25 April.

R. Severin - Direct Examination

1 Q. What position do you currently serve in the church?

2 A. I am senior levite, or what they call arch levite, yes.

3 Q. Can you tell the Court what a levite is?

4 A. Levite would be what you would consider in the Christian
5 church like a deacon. It's an assistant to the priest, they do
6 all the priestly roles of that nature.

7 Q. How long have you been a senior levite?

8 A. Oh, wow, I've probably been the senior levite for maybe
9 the past 11 years. I think around 11 years.

10 Q. When were you ordained as a levite?

11 A. 1998.

12 Q. Can you tell the Court, how does one become a levite?

13 A. Well, after being baptized in the church, one would put in
14 a request letter. After the letter is reviewed by the clergy,
15 then the person would begin their studies and they would begin
16 as a novice levite. They wouldn't be considered a full-fledged
17 levite until after a period of time of study. So until that
18 time, they would be considered novice.

19 Q. Did you attend seminary school?

20 A. At the church, yes.

21 Q. How long did you have to study the faith in order to
22 become ordained?

23 A. I studied for two, two years. So it only took me about
24 two years, but that's because of the knowledge that each
25 individual would possess. So it may take someone a little bit

R. Severin - Direct Examination

1 longer, but it took me two years.

2 Q. Do you continue to study the faith?

3 A. Yes.

4 Q. And what exactly do you study?

5 A. Well, in studying the faith we study the religious
6 doctrine as far as spiritually, we study history, we study
7 politics. Basically, everything. There isn't something that
8 we don't study; science, biology, but all of it relevant to the
9 religious practice and the religious philosophy.

10 Q. Mr. Severin, did you receive any certifications?

11 A. I was baptized and got a baptism certificate, and then I
12 got my ordination papers when I was ordained.

13 Q. As a levite, can you describe for the Court a little bit
14 more what are some of your responsibilities? Do you teach
15 classes?

16 A. Yes. Well, that comes as part of the training also; but,
17 yeah, I teach classes, I hold religious services.

18 So let's say like every last Friday of the month we have
19 something that we call Rastalogy classes, so I would be
20 required or one of the other levites would be required to teach
21 class about the religious doctrine.

22 I also assist in the services -- if I'm not leading
23 service, then I assist in the services.

24 Q. And when you teach your classes, who do you teach?

25 A. We teach the Rastafarian members of the church. We teach

R. Severin - Direct Examination

1 those who are visitors, we teach those who are in search of
2 knowledge. So it's open to the public. It's open to the
3 public.

4 Q. How often are the classes?

5 A. The Rastalogy class is held once a month. We have other
6 classes that we do during the month, some of them are taught
7 by, let's say, the female -- like the women of the church and
8 then some are done by the levites.

9 Q. How often would you say that you specifically teach a
10 class?

11 A. Myself, I teach class at least -- wow. I know at least
12 one a week because part of my responsibility as a senior levite
13 is to actually teach the other clergy, so the novice levites
14 and levites that are not at a certain status. So I'm required
15 to teach them also and that is every Wednesday.

16 Q. And when you're preparing for classes, how do you prepare?

17 A. A lot of study, research, going into books. So I do it
18 just like I would do any other class. Just a lot of research,
19 getting my information together and then find a way to present
20 it that is understandable.

21 Q. You mentioned earlier that one of your responsibilities is
22 to perform religious services.

23 A. Yes.

24 Q. How often do you perform services?

25 A. We have services once a week, every Sunday.

R. Severin - Direct Examination

1 Q. How often do you specifically perform a service?

2 A. It depends. Because I'm a levite and I'm not the only
3 levite in the church, we have rotation. So let's say next
4 month is September, actually is my month -- so for the duration
5 of September, I would be leading the services.

6 Q. What, if any, volunteer work have you done as a
7 Rastafarian?

8 A. I work -- well, I did two-and-a-half years volunteer work
9 in the Department of Corrections. That was part of my
10 requirement and my training within the Church of Haile Selassie
11 I when I was a novice levite.

12 Q. And what type of work -- you said it was with the
13 Department of Corrections. What type of volunteer work did you
14 perform?

15 A. I basically worked as a volunteer chaplain. So mostly all
16 of the responsibilities of the chaplain. As far as teaching
17 classes and doing religious services with the Rastafarian
18 inmates, yeah, that's basically what I did.

19 Q. Did you ever become fully employed by the Department?

20 A. Yes.

21 Q. When did you begin working with the New York Department of
22 Corrections?

23 A. I began in January of 2000 as an employee.

24 Q. And when did you end your employment there?

25 A. June of 2011.

R. Severin - Direct Examination

1 Q. Can you tell the Court why your employment ended?

2 A. I would say it was a conflict of interest with one of the
3 supervisors that was there, yeah.

4 Q. While you were employed with the New York Department
5 Corrections, what was your position?

6 A. I was a regional chaplain.

7 Q. Was this a full-time or part-time position?

8 A. I was hired part-time. Yeah, I was hired part-time, but I
9 worked full-time hours. Sorry.

10 Q. As a regional chaplain, how many facilities were you in
11 charge of?

12 A. I was required to -- let me see. In charge? I was
13 required to visit all facilities for the State of New York. I
14 was given at least maybe -- maybe three or four general
15 facilities that I was responsible for; but in all, I really was
16 responsible for every prison.

17 Q. Do you have an estimate of how many prisons?

18 A. About, I think, 70.

19 Q. And how often did you go inside of the prison?

20 A. I was there three times a week.

21 Q. And what was your job responsibilities?

22 A. As chaplain I was responsible for teaching classes, I was
23 responsible for conducting services. I was also the liaison,
24 you could say, in a sense, between the administration and the
25 inmate population. I worked directly with administration in

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1 helping to set up policies, set up programs for the
2 Rastafarians inside of the State facilities.

3 Q. You mentioned that you taught classes. How often did you
4 teach classes in the prison?

5 A. In the prison, at least two to three times. It all
6 depended on where we were going and how long the trip took, but
7 any time we visited a prison, we usually held a class and we
8 usually had religious services after.

9 Q. You said two to three times. Was this a week, a month?

10 A. This is a week. I would go in every Tuesday, Thursday and
11 Friday. Monday was my day to work in the office to get things
12 prepared as far as sending out e-mails or calling facilities to
13 arrange visits, and then Wednesday was my only day off in the
14 week.

15 Q. You said you performed services at the prison as well?

16 A. Yes.

17 Q. How often did you perform services?

18 A. About three times a week with the visits. That would vary
19 at times, only, like I said, because of what time we might get
20 there. Sometime it would vary. Like I would plan, let's say,
21 Tuesday to go to a prison, we're going to do class in the
22 morning and then services in the afternoon. But maybe because
23 of, you know, how the class went in the morning time we would
24 leave off the services and continue the classes in the
25 afternoon because a lot of the inmates, you know, some of them

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1 were Rastafarian, some of them were curious about what
2 Rastafarianism is, so we would extend the class into the
3 afternoon session, so we might not have the services as far as
4 the religious service in the afternoon. So it varied, but at
5 least two to three times.

6 Q. I want to go back to the classes that you taught. What
7 did you discuss with the inmates?

8 A. We taught them about the history of Rasta, His inception,
9 how it started. We talk about the history of Ethiopia. We
10 give them knowledge about Haile Selassie I, his divinity, why
11 we say he's God. We also teach them about, you know, basically
12 themselves as human beings and try to find ways to educate them
13 to help them acclimate back into society once they come out.

14 Q. Mr. Severin, as the regional chaplain, did you have any
15 opportunity to work with other facilities outside of New York
16 State prison?

17 A. Yes. Because of the program that we did have set up in
18 New York State we were requested by other prisons, federal
19 prisons, some in Jersey, some in Pennsylvania, to come and do
20 services and classes with the Rastafarians that were there
21 incarcerated in the federal prison system.

22 MS. MILES: Your Honor, we ask that Mr. Severin be
23 qualified as an expert in the study and practice of
24 Rastafarianism.

25 THE COURT: All right.

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1 BY MS. MILES:

2 Q. Mr. Severin, can you tell the Court the basic tenets of
3 the Rastafarian faith?

4 A. Well, Haile Selassie I is God, first thing. We believe
5 that His Majesty is a direct descendent from King David and
6 King Solomon, which is proven and not disputed through the
7 union of King Solomon and Queen of Sheba, which produced
8 Menelik I, which was the first Solomonic Emperor of Ethiopia.

9 We also believe that Rastafarians grow their locks and
10 their beard in accordance to the Scripture, on Numbers, Chapter
11 6, Verses 1, 5 and Verse 8 as a vow to God, and this is why we
12 don't shave. These are some of the basic tenets.

13 Q. What's the significance or importance of the tenets?

14 A. These are the guidelines, the rules, the basic pillars of
15 all faith, not just Rastafarian, any faith that have tenets is
16 the foundation, the things that you don't vary around. So it
17 is basically the fundamentals of all practice in Rastafarians.

18 Q. Mr. Severin, how many sacraments do Rastafarians follow?

19 A. We follow seven sacraments.

20 Q. What are they?

21 A. Baptism, penance, function of the sick, matrimony,
22 breaking of bread, drinking of wine, holy order, which is to
23 serve, and her as a life given force.

24 Q. What's the significance of the sacraments?

25 A. The sacraments, again, are pillars. We use them as ways

R. Severin - Direct Examination

1 for the followers of the faith to practice their faith without
2 varying outside of the laws of the Scriptures or the traditions
3 of Ethiopia.

4 Q. Can you tell the Court what a sect or mansion is?

5 A. That's a terminology, "mansions," that comes from the
6 Scriptures that says in my Father's house there are many
7 mansions.

8 The Rastafarians take that to say that in God's house
9 there are different fractions of Rastafarians. So you have the
10 Niyabinghi sect, you have the Bobo Ashanti sect, you have the
11 Ba Beta Kristiyan sect, you have House of Dread sect, you have
12 12 Tribes sect, and a few other ones that have popped up over
13 the years. But the mansions are sects, just to say the
14 different -- just like you have Christianity, but you have one
15 is a Catholic, one is a Protestant, one is a Seventh Day
16 Adventist, but yet they all say Jesus Christ. So all of us say
17 Haile Selassie I, but there are differences within, you know,
18 tenets or, you know, practice. So that's what the mansions
19 are.

20 Q. You stated that Ba Beta Kristiyan Church of Haile Selassie
21 is one of the sects. Does Ba Beta Kristiyan Church of Haile
22 Selassie have any associations with Christian beliefs?

23 A. No. We are not Christian.

24 Q. Is the Niyabinghi order a sect that you named?

25 A. Yes.

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1 Q. Is it the oldest sect in the Rastafarian faith?

2 A. Yes. It is the very first sect before the inception of --
3 before the creation of the Niyabinghi, anyone who was part of
4 the faith was just known as Rastafarian. That was it.

5 The Niyabinghi didn't come about until later on.

6 Rastafarianism started back in the very, very early '30s,
7 probably 1930 itself. The Niyabinghi didn't come in until
8 later on. They didn't come in at the beginning, no. But they
9 are the oldest sect, you could say.

10 Q. Is there one sect that would be viewed as the model sect
11 to follow?

12 A. No.

13 Q. Does each sect follow the basic tenets of the Rastafarian
14 faith that you discussed earlier?

15 A. Yes.

16 Q. And do all sects celebrate holy days?

17 A. Yes.

18 Q. Does each sect celebrate holidays?

19 A. Yes.

20 Q. Does each sect celebrate holy days with some element of
21 feast or meal?

22 A. Yes.

23 Q. Mr. Severin, what's the difference between celebrating a
24 holy day and celebrating a holiday within the Rastafarian
25 faith?

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1 A. Holy days are very special because they mark special
2 events that happen within the development of Haile Selassie I.
3 We look at his growth and development as a child to adulthood.
4 And the holy days that are specified mark certain things that
5 happened within his evolution to become God.

6 The holidays are more secular in a sense, I want to say,
7 is not to take away from its significance also, but the
8 holidays are like Ethiopian Christmas. We observe it because
9 we show our -- what is the word I'm looking for -- our
10 solidarity to Ethiopia as descendants of Ethiopia, but we
11 observe it only. We don't really like celebrate it so much.

12 Constitution Day is more national, but we do observe it as
13 a holy -- as a holiday, you know, and then New Year's, also.

14 So the difference would be more that the holy days
15 surround Haile Selassie I as a central figure of our faith and
16 things that happen with him directly. The holidays are a
17 little bit more like spread out.

18 Q. And how many holy days are there?

19 A. There are four holy -- holy days, yes.

20 Q. What are they?

21 A. You have May 5th, you have July 23rd, you have
22 November 2nd and October 7th.

23 Q. And on November 2nd, that's Transfiguration Day, correct?

24 A. Yes.

25 Q. What is the importance of this day?

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1 A. Transfiguration Day -- well, amongst all Rastafarian they
2 celebrate November 2nd. Some call it Constitution -- I mean,
3 not Constitution, Coronation Day, where they say he was
4 coronated and became Haile Selassie I. It's actually his
5 transfiguration.

6 If you look at the word transfiguration and how it's used
7 religiously, it talks about a transformation or change
8 internally and spiritually for the individual. When you read
9 the Scripture they talk about even Jesus Christ transfigurated.

10 November 2nd, 1930, is when Ras Tafari ascended the
11 Imperial thrown and became Emperor, changing from Ras Tafari
12 Negus Ras Tafari to Haile Selassie I, which we consider a
13 transfiguration. So it is when he ascended the thrown. Also,
14 when you look at Ethiopian history with titles, Emperor equals
15 God, so this is the significance of November 2nd.

16 Q. And how does Ba Beta Kristiyan Church of Haile Selassie I
17 commemorate this day?

18 A. Are you talking on outside or inside the facility?

19 Q. Outside.

20 A. Outside we have religious worship service first on the day
21 where the faith will come and we have religious services.
22 Afterwards, we have a communal meal, music, you know, to
23 celebrate the day. So this is how we celebrate November 2nd.

24 Q. What type of food is provided after the service?

25 A. We have like goats, chicken, fish, rice, salad.

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1 Basically, like an Afro-Caribbean meal, so, yeah, this is the
2 kind of food we eat.

3 Q. Does the food have any religious significance?

4 A. Some of the food. I wouldn't say every single piece have
5 religious significance, but some of it does, yes. Rice always
6 represents longevity, prosperity. The goat actually represents
7 sacrificial ram that was required by Moses and Abraham,
8 sacrifice unto the Lord God, if you read the Scriptures. So
9 usually we have goat to represent that also.

10 Q. On October 7th, that's Negus Day?

11 A. Yes.

12 Q. What's the importance of that day?

13 A. Negus is a title in Ethiopian which means king. When you
14 do a study of these words you find that Christ, which they say
15 Jesus was Christ, also means king. So Negus Day is the date
16 that Ras Tafari became King or Christ of Ethiopia and that
17 is -- that is why we celebrate it. It is also the day when he
18 became King or Negus, he affirmed his position, I guess you
19 could say, without challenge that he would become the next
20 Emperor of Ethiopia.

21 Q. And how is this day commemorated?

22 A. Same thing. We have religious worship service and then we
23 would have a communal meal and festivities.

24 Q. And what type of food would be served?

25 A. Generally, it's the same menu. In the facilities we

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1 change the menu a little bit, but it's generally the same menu.

2 Q. And does the meal provided serve the same religious
3 significance that you discussed earlier?

4 A. Yes, uhm-uhm.

5 Q. On July 23rd do you celebrate the Second Advent of the
6 Cosmic Christ?

7 A. Yes.

8 Q. What is the importance of this day?

9 A. This is the day that Tafari was given unto us fulfilling
10 Isaiah 9, Verse 6, unto us a child is born, unto us a son is
11 given. This is the birth of Tafari. Tafari means creator.
12 Tafari is the name that Haile Selassie I had as a child.

13 So this is the day that we say that the Almighty gave us a
14 savior. So we celebrate it like -- like you could say in a
15 sense like how Christians celebrate Christmas as the birth of
16 their Christ. So we look at July 23rd as the birth of our
17 Christ, which was Tafari.

18 Q. And how is this day commemorated?

19 A. Same thing again. We have religious worship service and
20 then after the religious worship service, we have festivities,
21 meal and festivities.

22 Q. Does the meal serve the same religious significance?

23 A. Uhm-uhm.

24 Q. On May 3rd you celebrate Fasika?

25 A. Yes.

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1 Q. What does this day signify in the Rastafarian faith?

2 A. Fasika is a day that we use to commemorate Ethiopia's two
3 victories over Italy, at least two times in history you could
4 find, 1896, which was the Battle of Adwa where the Italians
5 came into Ethiopian to take over Ethiopia in a campaign to,
6 quote, civilize them. Although, Ethiopia is a monarchy and was
7 civilized a long time ago. So Menelik II and Ras Makonnen
8 defeated them, that's the first victory.

9 Also, 1935 to 1941 Ethiopian was attacked again by
10 Mussolini and his fascist regime and they came into Ethiopia
11 with the same campaign, to take over and to civilize the
12 people. So Haile Selassie I defeated them May 5th, 1941.

13 So we look at this day not only as Liberation Day, which
14 most of the other Rastafarians would celebrate it as Liberation
15 Day, we give it more of a religious significance by calling it
16 Fasika, because Fasika is a Amharic word which in Ethiopian
17 language means Passover and it represents our Passover, our
18 coming out of a state of darkness into a state of light, coming
19 out of oppression from outside aggressor into our victory. So
20 May 5th represents our Passover.

21 Q. How is this day commemorated?

22 A. Same thing. Again, we have religious worship service and
23 we have a meal. Special in this meal more than any of the
24 other ones where we talk about the breaking of bread and
25 drinking of wine. This is to commemorate, again, like

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1 Abraham's meeting with Melchizedek and breaking of bread,
2 drinking wine because of his victory over oppressors and then
3 again Joshua the Christ sitting down with his 12 Disciples at
4 the Last Supper where they broke bread and drank wine at that
5 occasion also. So that is something that is added.

6 And we do do the same thing in a sense; but that one, May
7 5th, is significant in that it gave all of us a second chance
8 in life, you know. So this is why we do the breaking of bread
9 and drinking of wine at that particular feast or celebration.

10 Q. Mr. Severin, are these four holy days specific to all
11 Rastafarians or to Ba Beta Kristiyan?

12 A. Well, all Rastafarians celebrate them. It is just that
13 not all of the Rastafarian houses or sects may use the exact
14 same terminology. Like I said, November 2nd is usually seen as
15 Coronation Day. We call it Transfiguration, but it's
16 celebrated throughout all of the Rastafarian houses.

17 May 5th is Liberation Day, to let's say, the Niyabinghi,
18 but to us it's Fasika, but it's the same day and has the same
19 religious significance. It's just the name, you know, may be a
20 little bit different because of the different house.

21 Q. So would it be safe to say that based off of the different
22 sects, the only difference in celebrating the holy day is maybe
23 the doctrinal teaching and the name?

24 A. Yes.

25 Q. What impact does vegetarianism have on the Rastafarian

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1 faith?

2 A. Well, vegetarianism is something that is practiced by the
3 Rastafarians, it's true, but not by all. It is not the all in
4 all that makes a person a Rastafarian. You have many
5 Rastafarians, including myself, that do eat meat. The only
6 thing is that if you are going to eat meat, you must follow
7 dietary laws prescribed by the Scripture, which says that we
8 eat no kind of pork or swine, eat no kind of shellfish like
9 clams or lobster or shrimp.

10 You know, you're not supposed to eat animals that die of
11 natural causes or things of that nature because you don't know
12 what kind of disease might be there.

13 Vegetarianism for a long time was seen as maybe the
14 standard of Rasta and that was more perpetuated because of
15 Reggae music and because of what may have been popular at the
16 time.

17 Again, Rastafarianism started in the very early '30s. So
18 throughout like the years, especially with the inception of
19 Reggae music in the '60s, it was only certain sects of Rastas
20 that voices were being heard because of the Reggae music.
21 Niyabinghi being one of them who had the artist and then Bobo
22 Ashanti and 12 Tribe. We don't have artists that sing Reggae
23 songs and nothing like that.

24 But vegetarianism is something that is practiced within
25 the Rastafarian faith. It is not a tenet in the -- not

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1 something that you have to practice, so some are; some aren't.

2 Q. Do Rastafarians fast in preparation of holy days?

3 A. Yes.

4 Q. Why?

5 A. Fasting brings about a form of cleansing of the body. It
6 also brings cleansing to the spiritual self of a person and
7 also helps to build a sort of discipline within themselves
8 also.

9 Q. How long do Rastafarians usually fast?

10 A. It depends on the holy day. Like, let's say, for Fasika
11 we would fast for, let's say, like I think it's like three
12 weeks you would do fasting. And fasting for us doesn't mean
13 that you don't eat anything. It just means that you eat
14 lightly or you eat at a certain time of the day.

15 But let's say for New Year's, which is a holiday, but we
16 still do fasting for that. We would fast for seven days, so it
17 varies. And then -- sorry. I just wanted to say that anyone
18 who is a practicing Rastafarian can fast longer if they
19 individually choose to do so.

20 Q. Okay. Do all Rastafarians and Ba Beta Kristiyan Church of
21 Haile Selassie celebrate these holy days?

22 A. Yes.

23 Q. Do they gather communally?

24 A. Yes.

25 Q. Do they all participate in the meal afterwards?

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1 A. Yes.

2 Q. When you worked as a regional chaplain, did the
3 Rastafarian inmates celebrate holy days?

4 A. Yes.

5 Q. Were they celebrated statewide by all inmates?

6 A. Yes.

7 MS. MILES: Your Honor, I would like to show the
8 witness what has been marked as Plaintiff's Exhibit 11,
9 page 15.

10 THE COURT: All right.

11 BY MS. MILES:

12 Q. This is page 15 of Exhibit 11. Mr. Severin, have you seen
13 this document before?

14 A. Yes.

15 Q. Where have you seen this document?

16 A. Working with the Department of Corrections, New York
17 State, as a chaplain.

18 Q. What is this document of?

19 A. This is the Rastafarian dietary regulations that was
20 approved by the State and put together by the church for the
21 Rastafarian holy days as far as foods that can be consumed.

22 Q. And who authorized this document?

23 A. This document was put together by Abuna Foxe, the senior
24 chaplain of our group, and by the State of New York Department
25 of Corrections.

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1 Q. Does this document accurately depict the dietary
2 regulation for incarcerated Rastafarians while celebrating holy
3 days in New York?

4 A. Yes.

5 MS. MILES: Your Honor, at this time we move to admit
6 only page 15 of what has previously been marked as Exhibit 11
7 into evidence.

8 THE COURT: I'll receive it. He relied on this as
9 part of his expert testimony?

10 MS. MILES: Yes, Your Honor.

11 THE COURT: That's fine.

12 (Plaintiff's Exhibit No. 11 - page 15 - was admitted into
13 evidence.)

14 BY MS. MILES:

15 Q. Mr. Severin, how did this document aid in the institution
16 in New York allowing inmates to celebrate holy days with a
17 feast or meal?

18 A. Well, it helped. I mean, having the holy days of itself
19 was good, you know, because it's part of the faith. This
20 document actually laid out a meal that would satisfy both the
21 vegetarian Rastafarian and the non-vegetarian Rastafarian so
22 that there would be no conflicts or anything of that nature.

23 It aided because, you know, the things that are there are
24 more reflective of their religious and cultural belief and it
25 helped to bring about a sense of tranquility and peace in the

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1 prison because for a long time the Rastafarian faith was not
2 being recognized even as a religion and a lot of the things
3 that the Rastafarians were asking for were being denied because
4 there was no evidence or proof that it was even a religion.

5 So when the Church of Haile Selassie I came, it came with
6 these, it was to legitimize our faith and give all the
7 Rastafarians within the State of New York a sense of
8 legitimacy.

9 You know, I mean, it would -- I don't know how a person
10 would feel if you belong to a faith and you are surrounded by
11 everyone else who get to practice and celebrate and then you
12 don't get to because you don't have paperwork on it, you know?

13 Q. And how were the holy days that we discussed earlier
14 celebrated in the facilities?

15 A. In the facility how we would do it -- they didn't do it
16 exactly how we do it outside. I mean, we had more of the
17 privilege and the ability to celebrate everything on the same
18 day.

19 In the facilities sometimes they were not able to, let's
20 say -- what is the first one, May 5th? So let's say May
21 5th fell on a Wednesday. So the facility may allow the inmates
22 now to gather, congregate and have a service, but the actual
23 event with festivities now they would do on another date, which
24 usually was the Saturday after. So if it was on a Wednesday,
25 May 5th, and the Saturday, which would be like the 8th, then

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1 they would have their celebration, you know, where they could
2 have their communal meal or what have you.

3 If it was allowable by the facility independent, they may
4 have May 5th celebration on May 5th. So it varied, but we
5 celebrated with worship service or some sort of gathering with
6 them and then we would have a festivity.

7 Q. And where did the food come from?

8 A. The food mainly came from outside vendors. Some of the
9 food that was given as far as maybe seasonings and stuff like
10 that was provided by the facilities themselves.

11 Q. How was the food purchased?

12 A. The food was purchased basically by money that was in the
13 inmate accounts. The facilities would set up fundraisers or we
14 would have ongoing fundraisers for the Rastafarians. So they
15 would sell items inside of the facility and use that money to
16 purchase food for the celebrations.

17 They also took donations from other faith groups or other
18 inmates or sometimes if they could get donations from the
19 outside.

20 Q. Was the celebration -- were they able to celebrate
21 communally or did they have to --

22 A. No, they celebrated communally.

23 Q. Was staff present during religious holy days?

24 A. Yes.

25 Q. Were they present during the festivities?

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1 A. Yes.

2 Q. How many guards, would you say?

3 A. It depended on the size of the festivities. We had two of
4 the listed festivals here as what we call in-house events and
5 then we had two that we celebrated as family-day events.

6 So the two that were in-house were just the inmates, maybe
7 the chaplain, and then whatever security staff would be there.

8 The family-day events were events where the inmates
9 actually invited their families from outside to come and
10 celebrate the holy day with them. So they would invite their
11 wives or their children or whoever is significant to them.

12 So in that you could have maybe 25 guards, you might have
13 a hundred, it depends on how many people are actually going to
14 attend. So...

15 Q. And how many chaplains attended the services?

16 A. Well, there was only six of us hired by the State. So it
17 depended -- we never -- we never were able to go together to
18 one facility for the celebration. So at least one chaplain at
19 six different facilities.

20 Where we couldn't be, we would have chaplains that we
21 worked with and even though they were probably outside of our
22 faith, whether it be a Muslim chaplain or a Christian chaplain,
23 because we work together, sometimes they would attend the
24 celebrations also to represent and, you know, as, I guess, just
25 to celebrate with us so, you know.

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1 Q. Do you know of any guidelines implemented to prevent
2 violence during the celebration of holy days?

3 A. Say again.

4 Q. Do you know of any guidelines that were implemented to
5 prevent any violence from the inmates during the celebration of
6 the holy days?

7 A. Guidelines? I guess the regular security measures. The
8 inmates would always be frisked and checked; the families the
9 same way.

10 We never really thought about anything happening
11 violently. I mean, this is a religious holy day celebration.
12 So in my 11 years working with the State, I never witnessed nor
13 have I ever heard of anything that happened violently in any of
14 our events. So that was never an issue.

15 But I would just say that the basic security measures of
16 the facility was sufficient enough to make sure that things
17 didn't get violent.

18 Q. As a regional chaplain, did you ever work with the
19 officers to ensure that security measures were properly in
20 place?

21 A. Oh, of course. Of course. I worked a lot with, like I
22 said, administration, security, so, yeah. We just made sure,
23 if anything, there wouldn't be certain violations when the
24 inmates would get searched or their families coming into the
25 facilities so that they wouldn't feel disrespected.

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1 Q. Were the policies and procedures followed in New York the
2 same policies and procedures for Rastafarians implemented in
3 the federal prisons that you assisted?

4 A. Yes.

5 Q. Mr. Severin, did you know Mr. Wright personally?

6 A. Yes. I know Mr. Wright, yes.

7 Q. What was your opinion of him?

8 A. Curious. He wanted to know a lot about the faith.

9 Especially because he, like a lot of the inmates that did come
10 to us, some of them have a Caribbean background, some of them
11 kind of, sort of, maybe know what Rasta is because of Reggae
12 music, Bob Marley, what have you.

13 But one thing about him, he was very curious, very
14 inquisitive and because of that we actually entrusted him to be
15 a facilitator for us.

16 This is part of the reason why -- I heard him when he was
17 speaking he said he had to get his GED. One of our
18 requirements was that anyone who was going to work with us and
19 work as a facilitator had to have their GED. We didn't want to
20 work with people who didn't see the value of education. So we
21 wanted to work with inmates who wanted to make a change in
22 their own life. So part of our requirements is that if you're
23 going to work with us, you have to get your GED.

24 So Mr. Wright, I thought he was, you know, a good
25 candidate for a facilitator because he had genuine love for the

R. Severin - Direct Examination

1 faith and for education.

2 Q. And did your personal relationship with Mr. Wright affect
3 your testimony here today?

4 A. No, because I don't see my relationship with him as so
5 personal. I mean, I knew him, but I knew him in the facility.
6 I didn't have a personal relationship with him outside of the
7 facility. So I think we had a good working relationship as his
8 chaplain and as one of the facilitators for our program.

9 Q. Mr. Severin, what is your opinion on Mr. Wright's
10 inability to celebrate holy days with a meal?

11 A. I think that is injustice. I think that he, as a
12 Rastafarian, should get the full benefits of what it is that
13 he's asking for, especially because he is a Rastafarian and
14 practicing Rastafarian.

15 A lot of the elements that may be trying to stop him from
16 doing that are not considering his feelings as a practicing
17 member of his faith, you know, being denied to fully express
18 himself as a Rastafarian, and I look at it more, you know, than
19 just infringement on his rights, but then for all of the
20 Rastafarians who are incarcerated in North Carolina because
21 it's not only him being denied; it's all of them.

22 So I think that if he would not win this case, it would be
23 a detriment to all Rastafarians in North Carolina.

24 Q. Mr. Severin, did you review portions of North Carolina
25 Department of Public Safety's Religious Practices Manual in

R. Severin - Cross-Examination

1 preparation of your testimony?

2 A. Some of it, yes, I did.

3 Q. Do you recall what portions you reviewed?

4 A. I'd have to see the document again. There were so many
5 different little parts of it that I didn't -- I didn't agree
6 with as far as practices and procedures, but I thought it was
7 not cohesive. I thought that it was very fragmented in the
8 sense that you saw elements of let's say Niyabinghi in it and
9 you saw elements of Bobo Ashanti in it, and you see little
10 elements of 12 Tribe; but even some of these elements that were
11 there are conflicts even with those houses. So it seemed more
12 like a free-for-all. It didn't seem uniform to me.

13 Q. Did you review the portions regarding Rastafarian policy?

14 A. Uhm-uhm, yes.

15 Q. And in your review of that document, did that help form
16 your opinion here today?

17 A. Yes.

18 MS. MILES: No further questions.

19 THE COURT: Thank you.

20 Ms. Grande?

21 CROSS-EXAMINATION

22 BY MS. GRANDE:

23 Q. Mr. Severin, can you tell me, when was Ba Beta Kristiyan
24 founded?

25 A. It was founded in 1987.

R. Severin - Cross-Examination

- 1 Q. By who?
- 2 A. It was founded by Abuna Ammanuel Foxe.
- 3 Q. Is the term Abuna an Ethiopian Orthodox term?
- 4 A. It's an Ethiopian title, yes.
- 5 Q. Is Ba Beta Kristiyen an Ethiopian Orthodox church or a
- 6 Rastafarian church?
- 7 A. It's a Rastafarian church.
- 8 Q. Does it borrow many tenets or beliefs or practices from
- 9 the Ethiopian Orthodox groups?
- 10 A. No.
- 11 Q. Okay. And you said that you were baptized as a
- 12 Rastafarian in 1966?
- 13 A. No. I said 1996.
- 14 Q. 1996.
- 15 A. Yeah. I wasn't born in 1966.
- 16 Q. I apologize. Okay. So 1996. By Mr. Foxe?
- 17 A. Yes.
- 18 Q. So have you ever practiced Rastafarianism outside of Ba
- 19 Beta Kristiyen mansion?
- 20 A. Yes.
- 21 Q. And what other mansions do you have experience with?
- 22 A. Niyabinghi and 12 Tribe.
- 23 Q. Okay. Do Niyabinghi, to your knowledge, celebrate
- 24 sacraments?
- 25 A. Sacraments, yes.

R. Severin - Cross-Examination

- 1 Q. Do they celebrate baptisms?
- 2 A. Initiation, yes.
- 3 Q. Baptisms?
- 4 A. Same thing, so I would say yes.
- 5 Q. Do they celebrate -- do they use terminology like levite
- 6 and deacon?
- 7 A. Not levite and deacon, no. Priest, yes.
- 8 Q. Do they use the term clergy?
- 9 A. No, I don't believe so.
- 10 Q. Can you tell me what the term anaphora means?
- 11 A. Anaphora is part of liturgy. Liturgy is what is read
- 12 during religious worship services so --
- 13 Q. Do Niyabinghi and 12 Tribes use that or Bobo Ashanti?
- 14 A. Bobo Ashanti uses a form of liturgy, yes.
- 15 Q. Do Niyabinghi and 12 Tribes?
- 16 A. Niyabinghi uses the Scripture as their literature. 12
- 17 Tribe is more of a cultural set of Rastafarian.
- 18 Q. So there are some differences?
- 19 A. There are a lot of differences, yes.
- 20 Q. So can you explain for me what the origin and the source
- 21 of the holy dates that the Ba Beta Kristiyan sect or mansion
- 22 recognize? Where do they come from?
- 23 A. Where did the holy days come from?
- 24 Q. Yes.
- 25 A. Again, all of these are surrounding events that signified

R. Severin - Cross-Examination

1 evolution of Emperor Haile Selassie I. So these things are
2 things that are historical.

3 Q. Who selected them, Abuna Foxe?

4 A. They were selected -- no. That was before even the Church
5 of Haile Selassie I ever came.

6 Like you asked me before is Niyabinghi the oldest sect. I
7 said it's probably the oldest sect. November 2nd was
8 celebrated by them before the Church of Haile Selassie I came
9 into inception.

10 Abuna Ammanuel Foxe is a Niyabinghi. He came from that
11 order, so a lot of his teachings come from that order; but, you
12 know, again, there was evolution and he founded this church,
13 which is Ba Beta Kristiyan Haile Selassie I. But it's just an
14 extension from his experience as a Niyabinghi.

15 Q. So why did he found -- what's your understanding of why
16 the church was founded to be separate from Niyabinghi?

17 A. Because there was a need for growth and development and in
18 order for the Rastafarians to have legitimate and recognized
19 way of worship and --

20 Q. So he wanted a different way of worship than Niyabinghi
21 permitted?

22 A. No, not necessarily different. Legitimate.

23 Q. Legitimate?

24 A. Yes, something that could be recognized by all other faith
25 groups, by governments, by even a setting like this, that we

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1 would have a documented way of worshiping, not just, you know,
2 in the bush beating drums and reading the Bible, but you have a
3 documented way of worship with anaphora, with liturgy --

4 Q. Is Ba Beta Kristiyan --

5 A. -- to read and learn.

6 THE COURT: Ms. Grande, let him finish his answer.

7 MS. GRANDE: I apologize, Your Honor.

8 BY MS. GRANDE:

9 Q. Are you completed?

10 A. Yes, I am.

11 Q. Is Ba Beta Kristiyan the only form of Rastafarianism, is
12 it the truest form, in your opinion?

13 A. In my opinion, I would say it's one of the truest forms,
14 yes. Is it the only form? No. But the truest form, I would
15 say yes.

16 Q. Is Mr. Foxe the only Rastafarian expert?

17 A. I would not say that, no.

18 Q. I'm going to show you what I marked as Defendant's
19 Exhibit 61.

20 MS. GRANDE: Your Honor, may I approach or would you
21 like a hard copy?

22 THE COURT: If I don't have one in my notebook, I'd
23 like a hard copy at some point.

24 MS. GRANDE: May I approach?

25 THE COURT: You may.

R. Severin - Cross-Examination

1 BY MS. GRANDE:

2 Q. I'm going to ask you to take a look at this. Is this the
3 letterhead from Ba Beta Kristiyan Haile Selassie?

4 A. It seems to be, yes.

5 Q. Is that Mr. Foxe's signature?

6 A. That does not look like Abuna Foxe's signature, no.
7 Although, it's put there.

8 Q. Does the writing on the second page of the envelope appear
9 to be his handwriting?

10 A. Yes, it could be.

11 Q. So here where Mr. Foxe states that, "I believe I am the
12 only Rasta expert in North America," would you agree with that
13 statement; yes or no?

14 MS. MILES: Objection, Your Honor.

15 THE COURT: He can answer.

16 THE WITNESS: If this is what he stated, I would
17 agree with him.

18 BY MS. GRANDE:

19 Q. So you agree that he's the only Rasta expert in North
20 America?

21 A. Expert, yes.

22 Q. But you just testified that he is not the only expert.

23 A. I only say that because I'm here also.

24 Q. So you and he are the only two Rastafarian experts --

25 A. No, not me and him, no. But he is an expert. Is he the

R. Severin - Cross-Examination

1 only expert? I wouldn't say yes, but he is an expert when it
2 come to Rastafarianism.

3 Q. So you don't agree with this statement that he is the only
4 Rasta expert in North America?

5 A. Only because I'm here as another expert and we have other
6 experts, meaning that we are very knowledgeable of the faith.

7 Q. Are Haile Selassie or Ba Beta Kristiyan, levites or
8 members, are they the only experts in Rasta?

9 A. I believe so.

10 Q. So Niyabinghi, Bobo Ashanti, 12 Tribes, Ethiopian
11 Orthodox, no other sect or mansion could qualify as an expert
12 in your opinion?

13 A. No.

14 Q. Why?

15 A. They lack the education and they lack the program. A lot
16 of things that they speak about is from dark and wise sayings.
17 And I say this --

18 THE COURT: Is from what?

19 THE WITNESS: Dark and wise sayings. Meaning from a
20 scriptural point of view. And this is something I have
21 experienced with the Niyabinghi and with 12 Tribe. Not so much
22 with Bobo Ashanti, because I don't have too much exposure with
23 them.

24 But in talking and reasoning and trying to find
25 growth and development within the Niyabinghi order or let's say

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1 the Bobo Ashanti, 12 Tribe, I don't see growth and development.

2 BY MS. GRANDE:

3 Q. So this is your own opinion, though?

4 A. Well, you're asking me my opinion.

5 Q. That's correct. I mean, there are people out there who
6 would recognize individuals from the Niyabinghi as experts,
7 correct?

8 A. I don't know. Possibly.

9 Q. Okay. And back in 2011 and 2012 in addition to this
10 correspondence from Mr. Foxe, did you ever correspond with
11 Chaplain Brown?

12 A. No.

13 Q. You never wrote any letters to Chaplain Brown or made any
14 phone calls?

15 A. To my recollection, no. If I did --

16 Q. Did you seek employment in the State of North Carolina?

17 A. No.

18 Q. Was your position rebuffed by your -- by Chaplain Brown?

19 A. Say that again?

20 Q. Did Chaplain Brown rebuff any attempts at employment you
21 may have made of her?

22 A. Chaplain Brown, I never made attempts so she couldn't have
23 rebuffed anything. I don't believe I ever try to become part
24 of --

25 Q. I'd like to show you what's been marked as Defendant's

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1 Exhibit No. 64.

2 MS. GRANDE: Your Honor, may I approach again?

3 THE COURT: You may.

4 BY MS. GRANDE:

5 Q. Is this a letter you wrote to Ms. Brown?

6 A. What year was that?

7 THE COURT: September 5th, 2007.

8 THE WITNESS: 2007, possibly. I was employed by the
9 State of New York, so I probably did write this in response to
10 a letter that was sent to me by the Rastafarian inmates in
11 North Carolina. 2007.

12 BY MS. GRANDE:

13 Q. Were you seeking employment with the State of North
14 Carolina?

15 A. I don't think so. I don't think so. 2007 I was employed
16 by New York State.

17 Q. You were employed by New York State as a Rastafarian
18 chaplain, correct?

19 A. Uhm-uhm.

20 Q. So you didn't supervise any services that were provided to
21 you by -- or provided by, let's say, Islamic inmates, correct?

22 A. No.

23 Q. So when you state your position as a regional chaplain
24 over all facilities, you only administered to Rastafarian
25 inmates?

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1 A. Yes.

2 Q. So your only experience and your only knowledge of
3 practices are in regards to Rastafarian inmates, correct?

4 A. Yes.

5 Q. Is it true that yourself and Mr. Foxe used your positions
6 as chaplains within the State of New York to proselytize to
7 inmates?

8 A. What is proselytize?

9 Q. Carry the message of the Church of Haile Selassie or Ba
10 Beta Kristiyan to inmates.

11 A. We carried a religious program that was approved by the
12 State.

13 Q. It was authored by Mr. Foxe?

14 A. A lot of it, yes.

15 Q. And the document that you looked at that was page 15 of
16 your expert report, that's a 2007 policy, is it not?

17 A. Yes.

18 Q. And that's when Mr. Foxe was still employed in New York,
19 correct?

20 A. Yes.

21 Q. And when you were still employed in New York, correct?

22 A. Yes.

23 Q. Can you tell me the circumstances of your departure from
24 New York?

25 A. As I stated earlier, it was a conflict of interest between

R. Severin - Cross-Examination

1 myself and a supervisor in Albany.

2 Q. Were you and Mr. Foxe and the other Rastafarian chaplains
3 all, in fact, terminated at the same time?

4 A. No, we weren't terminated. Mr. Foxe retired after serving
5 20 years as a chaplain. The rest of us resigned. None of us
6 were terminated.

7 Q. Were you requested to resign?

8 A. No.

9 Q. Okay. Do you know whether all of the policies implemented
10 by Mr. Foxe still exist in New York today?

11 A. As far as I know, yes.

12 Q. Are you aware of a lawsuit by an inmate named Powelett
13 (phonetic) that occurred in 2015?

14 A. Powelett, no.

15 Q. Are you aware that the District Court in New York has
16 determined that New York's Rastafarians policies are
17 inappropriately skewed toward the Church of Haile Selassie?

18 A. If it's after 2011, I don't know.

19 Q. Did Mr. Foxe and yourself write or implement policies and
20 practices that carried forth the message of Ba Beta Kristiyian
21 Haile Selassie?

22 A. Yes.

23 Q. To the exclusion of Bobo Ashanti, 12 Tribes, Niyabinghi
24 and other mansions of Rastafarians?

25 A. Not to the exclusion, no. We wrote policies based on the

R. Severin - Cross-Examination

1 church --

2 Q. Do they require things --

3 A. -- because -- see, that's the thing, working for the State
4 of New York we were the only Rastafarian group or sect that was
5 actually given entry. Although, the Bobo Ashanti, the
6 Niyabinghi, 12 Tribe when requested to come into the State of
7 New York to give their services, they adamantly refused to.
8 And that is, again, part of the -- how the church of Haile
9 Selassie I even came into the State Service in New York, which
10 happened in 1991.

11 It was the Rastafarian inmates who actually sued the State
12 and it was taken to the Supreme Court, where the Bobo Ashanti,
13 12 Tribe, and Niyabinghi were all asked to come into the State
14 Service and represent the Rastafarians, and they did not want
15 to.

16 The Niyabinghi said they don't want to work with inmates,
17 and the other sects said that they don't want to work with the
18 incarceration system.

19 So Haile Selassie I was the only one given entry because
20 we were the only ones that were willing to work with the
21 Rastafarian inmates and fulfill their requests.

22 Q. And no one is disputing that.

23 So, therefore, the practices and the policies that were
24 implemented by Mr. Foxe are tailored to meet the needs and the
25 tenets and the practices of Ba Beta Kristiyan and Haile

R. Severin - Cross-Examination

1 Selassie?

2 A. Well, they are the tenets. It's not tailored to fit. It
3 is the policy.

4 Q. They were written according to the tenets?

5 A. Yes.

6 Q. And those tenets were established by Mr. Foxe when he
7 established Ba Beta Kristiyian Haile Selassie?

8 A. Some of them, yes.

9 Q. Is it true or not true that the majority of Rastafarian
10 people, members, subscribe to a vegetarian or vegan diet and
11 don't eat animals that walk?

12 A. Are you talking inside the facility or just in general?

13 Q. I'm talking in general, Niyabinghi, Bobo Ashanti, 12
14 Tribes, any Rastafarian sect.

15 A. That is up to the individual.

16 Q. Is it true that those sects do not follow these specific
17 dietary guidelines that are set out in this 2007 policy?

18 A. Not all of them.

19 Q. Okay. Is it true that they do not celebrate breaking of
20 the bread, drinking wine and feasting as described in your
21 expert report?

22 A. It depends.

23 Q. Is it true that they do not celebrate Passover?

24 A. They do. They do celebrate; but as I said earlier --

25 Q. In the manner that you described.

R. Severin - Cross-Examination

1 A. -- May 5th for us we call Fasika. That's Liberation Day,
2 but they still celebrate the day and the significance of the
3 day is still the same.

4 Q. So you're saying that Niyabinghi, 12 Tribes celebrates May
5 5th in the same significance as Ba Beta --

6 A. Yes, because it's about liberation, it's about the two
7 victories. So what the celebration is about is the same. How
8 we go about celebrating it may be a little bit different.

9 Q. The practice.

10 A. Right, exactly, the practice. But the celebration as a
11 holy day is universal within the Rastafarian sects.

12 Q. Could you tell me what the religious significance of the
13 food that you set forth is?

14 A. The religious significance? Well, when we look at the
15 Scriptures, they tell you that you must celebrate God with a
16 solemn meal, a solemn feast, so the religious significance is
17 to fulfill that requirement.

18 As I said, goat as a sacrificial animal, you know,
19 breaking of bread, drinking of wine. Rice has a significance
20 also. So there are religious parts to it.

21 Q. So for example, if you have a Rastafarian who is a vegan
22 or vegetarian, are they required to consume goat?

23 A. No, they don't have to, because in our menu --

24 Q. Is that a violation of the tenets of their faith?

25 A. No. As part of our menu, we have --

R. Severin - Cross-Examination

1 Q. So they are not required --

2 A. We have all kind of food there. We don't tell a person
3 that they have to be vegetarian and we never told a person that
4 they have to eat meat.

5 We just let them know that saying that all Rastafarians
6 have to be strictly vegetarians is not true. And what you're
7 saying to me is almost as if all Rastafarians of all faith
8 groups or sects are vegetarian, except for Ba Beta Kristiyan,
9 which is not true. 12 Tribes is not vegetarian. They don't
10 follow vegetarian diet.

11 Q. What I am asking is: How could prisons in North Carolina
12 possibly implement the guidelines that you've set forth when
13 the majority of our inmate population that is Rastafarian are
14 vegan or vegetarian?

15 A. I don't know what the population is in North Carolina.
16 All I'm saying is that saying that all Rastafarians are
17 vegetarians is wrong. So you would have to set up some sort of
18 menu that would be more reflective to --

19 Q. That would be accommodating to all inmates, correct?

20 A. This is why the Church of Haile Selassie I has the menu it
21 has also because it accommodates for all.

22 We don't force a person to eat goat. There's vegetables
23 and other things on the menu that they could choose to eat
24 without violating their oath of being a vegetarian, but for the
25 person who is a non-vegetarian who would like to take part is

R. Severin - Cross-Examination

1 there also for them.

2 Q. Do you believe that Haile Selassie is the only church
3 that's received the Royal Charter from His Imperial Majesty,
4 Haile Selassie I, to organize Rastafarians worldwide and is the
5 only legal church to represent Haile Selassie?

6 A. Yes.

7 Q. Is that to the exclusion of Niyabinghi, 12 Tribes, Bobo
8 Ashanti, any other sect?

9 A. Yes.

10 Q. Wouldn't you say that's an exclusionary view of
11 Rastafarian?

12 A. No, that's a fact. It's not exclusionary, because you
13 asked me if they are exclusive because of certain reasons and
14 one of them is that they did -- the Church of Haile Selassie
15 receive the Royal Charter that came from Haile Selassie, which
16 is Haile Selassie I's son. Niyabinghi, 12 Tribe, Bobo Ashanti
17 cannot make that claim that they got Royal Charter. The Church
18 of Haile Selassie I Royal Charter is in alignment with Crown
19 Council, which is the Government of Haile Selassie I in exile.

20 So we are the only, I guess, mansion that has this
21 documentation. It's not to be exclusionary or to exclude
22 anyone. It's just -- that's the facts.

23 Q. So how could an inmate who is a member of the Niyabinghi
24 practice within Rastafarian principles that have been tailored
25 to meet Ba Beta Kristiyan or Haile Selassie tenets?

R. Severin - Cross-Examination

1 A. Well, I never had a problem with that when I was working
2 for the State. We had many Rastafarians who had their
3 different views as far as, let's say, like you said,
4 Niyabinghi.

5 Like I said, we had classes and we had religious services.
6 All classes, irrespective of whatever your belief was, as a
7 Rasta, was spoken to the Rastafarian to come and get education.

8 Religious services was open to all Rastafarians if they
9 wanted to come and participate. If they did not want to come
10 participate, then they weren't required to come. They weren't
11 forced to.

12 Q. Can you tell me what the community's view of the Ba Beta
13 Kristiyan Church is in terms of the Orthodoxy or the elders of
14 the Niyabinghi or the 12 Tribes or the Bobo Ashanti?

15 A. Some of them were more partial to maybe Niyabinghi or 12
16 Tribes; but in general, all of the Rastafarians came to the
17 church because it was the only recognized entity within the
18 facilities. It's not like we had other chaplains that
19 represented the other houses. So it was only the Church of
20 Haile Selassie I.

21 Q. So is the church exclusively grown in the inmate
22 population in New York?

23 A. Say that again.

24 Q. Is it exclusively grown in the inmate population in New
25 York?

R. Severin - Cross-Examination

1 A. Church of Haile Selassie I inside the prison system?

2 Q. And outside the prison system.

3 A. No, you can't say it was only grown through the inmates,
4 but I had never been incarcerated and I'm a member, so it
5 wasn't tailored just for that purpose.

6 Q. But you were brought in by Abuna Foxe, correct?

7 A. No. I was baptized by him. I didn't go to the church
8 because of him. And when I first went to the church, he wasn't
9 even there. He was in Jamaica.

10 I went to the Church of Haile Selassie I because of my
11 dissatisfaction with the 12 Tribe and Niyabinghi, and that was
12 a lot to do with education and my striving to understand my
13 faith and the education behind it. So when I found the Church
14 of Haile Selassie I is where I found education.

15 Q. Would you say that the Church of Haile Selassie is a
16 reversion back that towards more Ethiopian Orthodox beliefs or
17 tenets?

18 A. No.

19 Q. Okay. What day is typically Sabbath Day for Ba Beta
20 Kristiyan?

21 A. We celebrate the Sabbath from Friday to Sunday.

22 Q. And Niyabinghi, what day is Sabbath?

23 A. I believe they hold Sabbath on Saturday.

24 Q. Do Niyabinghi require dreadlocks?

25 A. Yes.

R. Severin - Cross-Examination

1 Q. Does Ba Beta Kristiyan require dreadlocks?

2 A. Yes.

3 Q. What about the prayer cap or the crown, are
4 there differences --

5 A. Prayer cap -- yes, there is differences. But in general
6 we wear it to cover our locks.

7 Q. What about the items needed for worship, are they
8 different, bells, roses, mats, liturgy books?

9 A. Uhm-uhm, yes.

10 Q. Those are all different?

11 A. Yes.

12 Q. Is there a reason that April the 21st is not included as a
13 holy day in the Church of Haile Selassie?

14 A. April 21st, what do they have? I don't know who
15 celebrates that.

16 Q. The visitation of --

17 A. Haile Selassie I Jamaica?

18 Q. Yes.

19 A. 1966.

20 Q. Is that not a key holy day?

21 A. Not for Ba Beta Kristiyan.

22 Q. For Niyabinghi?

23 A. Niyabinghi, possibly.

24 Q. So, there again, there are differences?

25 A. I stated that before, yes, there are differences.

R. Severin - Cross-Examination

1 Q. And would you agree with your experience as a prison
2 chaplain that it is in the State's best interest to administer
3 a policy that is of commonly accepted tenets, holy days,
4 practices?

5 A. It should be. And this is why for the State of New York,
6 although Ba Beta Kristiyan Haile Selassie I, the four major
7 holy days that are celebrated in the facility is celebrated by
8 the Niyabinghi also and is celebrated by 12 Tribe also and Bobo
9 Ashanti and --

10 Q. Would you agree -- I apologize.

11 A. Yeah. November 2nd is something that's universally
12 celebrated by all Rastafarians, regardless of the sect. May
13 5th, July 23rd and October 7. So all Rastafarians celebrate
14 these days irrespective if they are Niyabinghi, 12 Tribe, Bobo
15 Ashanti, Ba Beta Kristiyan.

16 Q. Can you tell me what the difference is between having an
17 element of food as part of a celebration or an opportunity for
18 fellowship within a church versus the food being actually
19 required to consume certain types of food or a certain meal in
20 procession? Are those two things different in your mind?

21 A. A required meal? You have to state that again, please.

22 Q. Are the meals that you described required in the sense the
23 same as, let's say, a Seder plate for a Jewish individual or
24 required --

25 A. Some items, yes. It could vary, and we never put to

R. Severin - Cross-Examination

1 strict adherence in the facilities only because it was about
2 availability, also sometimes when they had to purchase foods
3 for the celebrations.

4 Q. So if it can vary, how is it required?

5 A. It is required that they have a meal. It's required that
6 they get together and have worship service. But let's say for
7 November 2nd, like I said, we require that they eat goat, but
8 if circumstances arise that they couldn't get goat, we wouldn't
9 try to like sue them or anything like that. We work with the
10 facility, you know, because it's really the inmates that we're
11 looking out for.

12 So we could make certain variances not because it's not a
13 requirement, but, you know, it doesn't have to become a thing
14 of punishment or lawsuits.

15 Q. So there is no adverse consequences, no, you know -- would
16 they be violating any laws or tenets, suffering adverse
17 consequences if someone were to not participate in a corporate
18 ceremony or not participate in a feast?

19 A. You're talking about the inmate?

20 Q. Correct.

21 A. Yes. No, there wouldn't be any penalties towards these
22 people, because, again, having them celebrate and having them
23 come together, that was more of an individual choice.

24 Whenever we would have these celebrations now, we would
25 have the celebrations for those who were practicing

R. Severin - Redirect Examination

1 Rastafarians, meaning that they actually did go to classes,
2 they went to services on a regular basis.

3 Some inmates wanted these holy days just because they
4 wanted a meal. And, you know, they didn't practice their
5 faith, but when it came to festivity time, that's when they
6 became the greatest Rastafarian ever.

7 So -- but if a person was a practicing Rastafarian and
8 decided that he couldn't or didn't want to, we wouldn't punish
9 them by putting them in a box or anything like that, no.

10 Q. And would you agree that there are more community
11 resources available in New York to support these feasts than
12 there are in North Carolina?

13 A. That, I wouldn't know.

14 Q. Is there a larger inmate population that is Rastafarian in
15 New York than there is in North Carolina?

16 A. I don't know, because I don't know the population here.

17 MS. GRANDE: I don't have anything further.

18 THE COURT: Thank you.

19 Anything else?

20 REDIRECT EXAMINATION

21 BY MS. MILES:

22 Q. Mr. Severin, in New York, before the Rastafarian dietary
23 program was implemented, who approves the program?

24 A. The State of New York.

25 Q. And in the New York prisons were some of the inmates there

R. Severin - Redirect Examination

1 vegetarians?

2 A. Yes.

3 Q. And how were they accommodated?

4 A. As I said, in the menu we didn't only have meat, we had
5 other things on the menu. So it was a matter of choosing what
6 they wanted to eat.

7 One thing I could say with the holy days is that May 5th
8 and October 7th were celebrations where we really didn't have
9 meat on the menu. So for them, that was always like a big
10 hoorah, so, you know, for the festivities where we did have
11 meat. Other things were made for them, like on that menu I
12 don't think you saw a thing that they call ital stew. It's a
13 stew, but it's only made with vegetables and those things, so
14 to -- let's say for the vegetarians we would have ital stew,
15 even though it's not on the State's menu.

16 The facilities now, once we would get everything
17 organized, they would say that, okay -- if we asked them, okay,
18 well, you know, you have some inmates that are Rastafarian,
19 they are not going to eat meat, we want something that has
20 enough protein for them, this and that, blah, blah. So we
21 would make ital stew and that would be put on the menu to help
22 them out. We did whatever we could to help them.

23 Q. And would the vegetarians still be able to commemorate the
24 sixth sacrament, breaking of bread and wine, even though they
25 did not eat meat?

R. Severin - Recross-Examination

1 A. Yes, because on May 5th when we actually break bread and
2 drink wine, we actually make cornbread, that is something that
3 they actually make, they make cornbread and they would order
4 Kedem grape juice, which is a Kosher nonalcoholic grape juice.

5 So even as a vegetarian they would participate in that
6 because everyone would get some cornbread. It was something
7 that we cook to give to all of the inmates so that they all
8 actually ate pieces of cornbread and drank some of the Kedem
9 grape juice, symbolically, again, representing that same
10 meeting with Abraham and Melchizedek. So this is something
11 that we did with them, yes.

12 Q. And just to clarify. The holy days that we discussed,
13 four of them, they are celebrated by all Rastafarians
14 regardless of the sect?

15 A. Yes.

16 Q. With a meal?

17 A. That I know of, yes; and from my experience, yes.

18 MS. MILES: Nothing further.

19 THE COURT: Thank you.

20 Anything else, Ms. Grande?

21 MS. GRANDE: Just briefly.

22 RECROSS-EXAMINATION

23 BY MS. GRANDE:

24 Q. Traditionally, along those same lines, the four holy days
25 that you say are celebrated in all sects, are they celebrated

R. Severin - Recross-Examination

1 in places like Ethiopia and Jamaica?

2 A. In Jamaica, yes. In Ethiopia, yes.

3 Q. Could they afford out in the community in Ethiopia to set
4 forth or to serve the food in the community?

5 A. Say again.

6 Q. Would they be -- would they have the finances in a place
7 like Jamaica or Ethiopia to serve the menu that you've set out
8 here?

9 A. You talking in Jamaica facility -- prison facility or --

10 Q. No, out in the public.

11 A. Oh, of course.

12 Q. Would it not be cost productive to serve ceremony
13 participants all of these foods --

14 A. Say again.

15 Q. -- in places like Jamaica?

16 A. Say again? I didn't hear the question.

17 MS. GRANDE: I'll withdraw the question.

18 BY MS. GRANDE:

19 Q. The portion of the policy that indicates that all of the
20 food needs to be prepared by a baptized member, was that
21 followed in New York?

22 A. Yes.

23 Q. And let's say in North Carolina Mr. Wright may be the only
24 baptized Ba Beta Kristiyan member. How would we carry forth
25 with implementing this policy as written to prepare all the

R. Severin - Recross-Examination

1 food?

2 A. Well, I mean, North Carolina would be a little different.
3 Like you said, he may be the only one here in the whole state,
4 but even working in New York State there would be times where
5 we would go to our certain prison where we may only have two
6 people who are baptized in the church and that facility may
7 have 150 registered Rastafarians. We wouldn't require that two
8 people cook for 150 people. So we would take people that are
9 part of the faith group; people who actually participate, come
10 to class, come to services that may -- even if they are not
11 baptized, but they actually are practicing their faith. So we
12 would make provisions for them to cook the meal.

13 Q. So it could deviate?

14 A. It did deviate under circumstances.

15 Q. What is the purpose of having the food prepared by a
16 baptized member? Why is that a requirement?

17 A. Because there are rules and regulations, laws and --

18 Q. Who wrote the rules --

19 A. -- and practices that we know that these people won't
20 participate in. And that's --

21 Q. What are the rules, regulations and laws that you're
22 referring to?

23 A. Well, let's see, like a person may have a cut. You know,
24 I don't know if someone who is just anybody would just go in
25 the kitchen and cook. A person who is a practicing Rastafarian

1 and baptized, I know they wouldn't go in the kitchen and cook.

2 Q. Were these rules, regulations and laws basically the
3 personal preferences of Abuna Foxe?

4 A. No, this is generally throughout the Rastafarian faith
5 group.

6 Q. What's the significance of baptism?

7 A. Baptism is initiation. So just like any initiation is to
8 become part of something; that is the ultimate way in showing
9 your participation and to gain entry into something. So
10 baptism is the same thing. Once a person feels that, yes, they
11 believe in this faith, they would get baptized in it.

12 Q. But only Ba Beta Kristiyan requires baptism?

13 A. No.

14 Q. What other sect require baptism?

15 A. I know that Bobo Ashanti does a form of baptism also. To
16 become a Bobo Ashanti or to become a Bobo Ashanti priest,
17 because they have priests also, you have to be baptized to
18 become part of that order.

19 MS. GRANDE: I don't have anything further.

20 THE COURT: Thank you. Thank you, sir. Please watch
21 your step stepping down.

22 Any other evidence from the plaintiff?

23 MS. MILES: No, Your Honor.

24 THE COURT: Anything from the defense?

25 MS. GRANDE: Your Honor, at this time I would move,

1 pursuant to Rule 52, to dismiss plaintiff's claims against
2 Mr. Lassiter, Mr. Joyner, Ms. Stratton and Ms. Brown based upon
3 his testimony that none of them personally or intentionally
4 deprived him of any religious rights.

5 If I can approach with the Court's copy of the
6 motion?

7 THE COURT: You may.

8 MS. GRANDE: He failed to present sufficient evidence
9 for the Court to conclude that they acted in the subjective
10 intent pursuant to *Lovelace*. They also failed to present
11 evidence that the claims against Mr. Speer, Ms. Stratton in
12 their official capacities continue against him today as he's
13 now housed at Tabor Correctional.

14 Those claims should be moot as they are incapable of
15 carrying out any injunctive relief against him, and I'd request
16 that you make a judgment on the partial findings as of the
17 evidence that has been presented to this point.

18 THE COURT: I'll hear from the plaintiff.

19 MS. MILES: Your Honor, plaintiff testified --
20 plaintiff and Ms. Dunston testified that the defendant's
21 policies are system-wide policies. They have memoranda that is
22 issued throughout all 56 facilities that establishes procedures
23 for how religious groups, including Rastafarians, are to
24 celebrate holy days.

25 Mr. Wright has clearly stated that under RLUIPA he

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1 has a significant religious belief and that his religious
2 practice as a Rastafarian is substantially burdened by
3 defendant's policies in that he's unable to celebrate holy days
4 with a feast.

5 THE COURT: I'll take it under advisement.

6 The defense may call its first witness.

7 MS. GRANDE: Your Honor, at this time the defense
8 will call Dr. Charles Price.

10 **CHARLES PRICE,**

11 having been duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 **BY MS. GRANDE:**

14 Q. Good afternoon, Dr. Price. Could you please tell me where
15 you are employed.

16 A. I'm currently employed by the University of North Carolina
17 at Chapel Hill.

18 Q. And what's your position at the University of North
19 Carolina at Chapel Hill?

20 A. I am a faculty member in the Department of Anthropology.

21 Q. And what's your primary study area?

22 A. I focus on social movements, race, and identity.

23 Q. Okay. Does that include Rastafarian?

24 A. Yes.

25 Q. How many years of experience would you say that you have

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1 studying Rastafarian groups?

2 A. As a scholar?

3 Q. Yes.

4 A. More than 20.

5 Q. And personally?

6 A. I carried the faith for over 30 years.

7 Q. Are you -- meaning you're a member of the Rastafarian
8 faith, correct?

9 A. Yes.

10 Q. Are you still --

11 A. Let me clarify. Member, there's no membership.

12 Q. A practicing Rasta?

13 A. Yeah, no membership. It's not something you join.

14 Q. Okay. What's your primary research area within the
15 Rastafarian movement or culture? Have you been published at
16 all in the matter?

17 A. So what I've done my best to do is to really focus on
18 documenting the past, the history, the evolution and the change
19 over time.

20 Q. Have you written and been published on the subject of
21 Rastafari?

22 A. Yes, I published several books. I'm currently writing a
23 book on the history and evolution of the Rasta people. I
24 published scholarly articles, I have written for different
25 community groups, and I have worked with writing pieces for

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1 many Rasta groups.

2 Q. Have you been consulted previously as an expert in the
3 area of Rastafarianism?

4 A. Not for court, but I have consulted with, for instance,
5 Jesuits International and part of what Jesuits International
6 wanted to do is train its chaplains in an understanding of what
7 are the holy days and religious practices of Rastafarian.

8 Q. The purpose of that training for its chaplains, would that
9 be to the chaplains to then serve in some capacity to
10 Rastafari?

11 A. Exactly.

12 Q. And where would those Rastafarians be located?

13 A. Would be incarcerated in prisons and jails across the
14 United States.

15 Q. Do you also serve as a volunteer personally for any
16 organizations as a Rastafarian resource?

17 A. Yes. Right now I'm a volunteer with the brothers at
18 Butner Federal Correctional Facility in Butner, North Carolina.

19 Q. Now, tracing back --

20 MS. GRANDE: Your Honor, at this time I would seek to
21 have Dr. Price recognized as an expert in the area of
22 Rastafarianism.

23 THE COURT: The Court will recognize him as an
24 expert.

25 BY MS. GRANDE:

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1 Q. Dr. Price, could you explain to us, briefly as you can,
2 the history, the origins of the Rastafarian movement and where
3 it originated from and -- throughout the past few decades as
4 it's progressed to today?

5 A. Sure. So on November 2nd, 1930, King Ras Tafari was
6 coronated as Emperor of Ethiopia and many Jamaicans and many
7 people around the world, many members of the African class were
8 recognized in the coronation that the Emperor represented many
9 of the prophecies in the Old Testament and the New Testament,
10 but in particular, the Book of Revelations.

11 So by 1933, there were individuals who were organizing and
12 beginning to preach this new faith called Rastafari. One of
13 the founders, one of the leaders, but not the only one by any
14 stretch of the imagination, was Leonard Howell.

15 So one way to think about this is to think about
16 Rastafarian people as generations. So that first generation
17 would last roughly for about 20 years. So you have men like
18 Howell, you have men like Hibbert, Brother Brown and so on who
19 built faith communities.

20 Then around the '40s, toward the end of the 1940s, you
21 have a second generation that came into the faith who
22 challenged some of the tenets of the elders of that first
23 generation. So you get some significant changes in Rastafari
24 orthodoxy around this time, late 1940, coming into the 1950s,
25 okay? And one of the significant changes was the emergence of

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1 what we now call the Niyabinghi order. So that order -- the
2 challenge to the first generation, but certainly over the
3 course of the development of that second generation became in a
4 sense the orthodoxy, the faith.

5 Now, over time --

6 THE COURT: How do you spell Niyabinghi?

7 THE WITNESS: N-Y-A-B-I-N-G-H-I. There are many
8 different ways, but you can look it up.

9 THE COURT: I take your word for it.

10 BY MS. GRANDE:

11 Q. Is it also referred to Iyabinghi the N?

12 A. Yes, that's a whole other story.

13 But the important point to make here is that with any
14 faith community what you expect over time is for that community
15 to become more diverse in its beliefs and practices; but at the
16 same time over that period of time, we have some conventions
17 that we might call orthodoxy, that these are the things that
18 the majority of the community hold in common.

19 So the fact that we have these different houses and
20 mansions is not unusual and we're able to accommodate all of
21 that.

22 But in my view, the Niyabinghi is the standard bearer for
23 the faith. Not to say that there is not deviations from that
24 standard, but from my point of view, they are the standard
25 bearers of the faith.

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1 Q. Would it be, let's say, similar to within Protestant,
2 Christian, you got Methodist, Baptist, Presbyterians, different
3 versions of beliefs and different churches?

4 A. Yes.

5 Q. Do all of the different orders or tribes or mansions
6 recognize some common belief system?

7 A. Yes, for sure.

8 Q. And what is that common belief system?

9 A. So I would say that all of us agree that Haile Selassie is
10 divine. I would say that the majority of us hold that His
11 Majesty represents the redemption of people of the African
12 diaspora, and I would say that the majority, perhaps not all,
13 hold that repatriations is a must; that is the ability of
14 African-decedent people to return to Africa if they so desire.

15 Q. Are there some practices that may vary between the
16 different sects or tribes or mansions within the Rastafarian
17 culture?

18 A. There are practices that differ, yes.

19 Q. And can you explain to me where in relation to
20 Rastafarianism the Ethiopian Orthodox church stands?

21 A. Oh, boy. That is a complex one, but I'll try to keep it
22 simple.

23 The Ethiopian Orthodox church is a very ancient Christian
24 church, we're talking somewhere dating back to around 4 A.D.

25 Now, in 1966, when His Imperial Majesty visited Jamaica,

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1 one of the things that he promised is that he would have a
2 branch of the Ethiopian Orthodox church installed in Jamaica.
3 I can't remember exactly what year, but certainly by 1970, '71,
4 somewhere thereabouts, there was an operating branch of the
5 Ethiopian Orthodox church in Kingston, Jamaica.

6 Q. And was there conflict between the Rastafarians as they
7 were already established in Jamaica and the new Ethiopian
8 Orthodox church?

9 A. My understanding, given the elders that I have talked to
10 who are familiar with the church and who have joined the
11 church, is that the -- for lack of a better word -- the clergy
12 of the Orthodox church were not very happy about having to
13 administer to the Rasta people. And there was a lot of back
14 and forth, a lot of conflict, fighting, if you will, over how
15 to resolve this. And so the church reached an accommodation in
16 that they would recognize certain practices of the Rasta people
17 in Jamaica, but they refused to recognize His Imperial Majesty
18 as divine.

19 So, for instance, if you go to the church this very day,
20 you would see, for instance, that they use the Niyabinghi
21 drums, but at the same time they speak of Christ and not His
22 Imperial Majesty.

23 THE COURT: What's the relationship between Ethiopia
24 and Jamaica?

25 THE WITNESS: That's another complicated question.

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1 During the time of slavery, Europeans gave the name Ethiopian
2 to all Africans. So if you go look -- if you look at some
3 historical documents you'll see roughly until about 1830
4 African-descended people were commonly referred to as
5 Ethiopians, so it's synonymous in one sense with Ethiopia. On
6 the other hand, His Imperial Majesty traces his lineage all the
7 way back to Israel, Jerusalem, and so there is a connection.

8 BY MS. GRANDE:

9 Q. Would it be fair to say that as slavery progressed,
10 African people were brought to Jamaica to the, quote, New
11 World, did they bring some of the Ethiopian beliefs, traditions
12 with them? What was the process of --

13 A. So that's on the Biblical side. On the more political
14 side, during -- during the -- so I told you that these
15 Jamaicans recognize His Majesty as divine as early as 1933,
16 correct?

17 Then we have an invasion of Ethiopia by Italy, 1935. And
18 throughout the African diaspora, African-descended people
19 rallied to support Ethiopia, not just in Jamaica, but across
20 the diaspora. And His Majesty was so thankful and grateful for
21 that support that he set aside a portion of land in Ethiopia
22 for all the people of the diaspora to repatriate to if they so
23 desire. He also set up an organization, Ethiopian World
24 Federation, to help make that repatriation possible, but also
25 as a way to raise money to support the war effort in Ethiopia.

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1 So I don't want to go into a history lesson about this,
2 but the relationships between Ethiopia and Jamaica are
3 longstanding and complicated.

4 Q. Okay. Would you state whether the traditions, as they are
5 currently recognized, let's say by the Niyabinghi, do they
6 originate from Ethiopia or do they originate from Jamaica?

7 A. Jamaica.

8 Q. So within Rastafarian culture are the traditions more
9 traditionally stemming or originating from practices that were
10 developed in Jamaica?

11 A. Could you say that again so I'm clear?

12 Q. Are the traditions that are practiced by Rastafarians in
13 America today, are they traditions that originated in Ethiopia
14 or that originated in Jamaica?

15 A. Jamaica.

16 Q. In Jamaica are all -- how many sects or mansions are
17 recognized that you know of, or commonly practiced?

18 A. So, again, these are really complicated questions that
19 I'll do my best to simplify.

20 It's not uncommon for an individual to decide that he or
21 she wants to establish his own Rasta community; that's not
22 uncommon. They come and go. But what has been endurable are
23 some of the houses and mansions that you all mentioned earlier,
24 the Bobo Ashanti, more recently the 12 Tribes, Ethiopian
25 Orthodox. Some of these other houses I'm less familiar with.

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1 I know that they exist; but generally speaking, these are the
2 major faith, Rasta faith communities.

3 Q. Okay. Is one particular sect recognized as an arch type
4 or a standard by which generally or common practices could be
5 derived from?

6 A. I would say without a doubt that that is the Niyabinghi
7 order.

8 Q. And again, that's the oldest and most traditional order?

9 A. It's the oldest, it's the most traditional. It has been
10 the forerunner in setting many of the rituals, the practice and
11 even the doctrine itself.

12 Q. Is that the form that is most commonly practiced in
13 Jamaica?

14 A. I don't know if I can say it is the most commonly
15 practiced, but I would say it's the most widely recognized.

16 Q. Okay. For purposes of evaluating or looking at the Ba
17 Beta Kristiyan mansion or sect, were you able to review any
18 materials, did you come to any conclusions about the status of
19 the house or the mansion or how it's regarded within the
20 Rastafarian community?

21 A. I read all of the documents that you provided, all of the
22 evidence that you provided. It's not my position to offer an
23 opinion on their practice because as a Rasta it's not up to me
24 to judge who is Rasta and who is not, but what I will tell you
25 is that many of the practices that they adhere to are not

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1 familiar to me.

2 Q. Okay. Do they fall outside of what would traditionally be
3 seen in practices for Niyabinghi, 12 Tribes, Bobo Ashanti?

4 A. I'll answer you with an example, okay? If I were to show
5 up at a Niyabinghi gathering or at a Bobo Ashanti camp with a
6 bottle of wine, I would be run off.

7 Q. Okay. Within the Niyabinghi or any sect that you are
8 familiar with, is there a tradition of breaking bread or
9 sharing of wine which is deemed a sacrament or required?

10 A. I am not aware of wine as a sacrament, but bread is a
11 metaphor for community. So any type of sharing could be
12 construed as breaking bread.

13 Q. Would the gathering itself be breaking bread, the communal
14 time together?

15 A. I don't quite understand that.

16 Q. Is there an actual significance placed to the foodstuff to
17 the feast itself?

18 A. There is no feast for Niyabinghi. What we are responsible
19 for is provisioning the community during the course of the
20 gathering. The gathering may last anywhere from three to five
21 to 10 days. So it's our responsibility to provision the
22 participants at the gathering.

23 Q. So again, this would be out in the community, correct?

24 A. Yes.

25 Q. And a feast may or may not be provided by a group or tribe

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- 1 or camp?
- 2 A. They don't use the word "feast."
- 3 Q. A meal, a food?
- 4 A. Provisions.
- 5 Q. Provisions. As a matter of convenience?
- 6 A. As a matter of convenience?
- 7 Q. Sustenance?
- 8 A. Yes. Convenience, yes.
- 9 Q. Fellowship?
- 10 A. Fellowship, yes.
- 11 Q. Is there a religious significance to the consumption of
12 that food communally?
- 13 A. I would say that the significance is simply the communal
14 provision of the food; in other words, taking care of the
15 community. Is it part of the ritual? No. But it's a part of
16 the responsibility of the conveners. So if I agree to overtake
17 a Niyabinghi gathering, it's part of my responsibility to make
18 sure the community is taken care of, to provision them and we
19 would do that communally. But that's more of a responsibility
20 than some religious dictate. Does that make sense?
- 21 Q. That's correct. I just want to make sure that I'm
22 clarifying for my understanding.
- 23 The term "feast" would not ever be used?
- 24 A. That is not a term that I'm familiar with.
- 25 Q. Okay. Would there be a diet that was set out -- I'm going

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1 to show you what's been marked as page 15 from Plaintiff's
2 Exhibit No. 11. These foods, would there be a diet plan or
3 menu or anything that is set forth in this form or a fashion
4 that are required to be consumed by members?

5 A. No requirements, no menu. We work with what's available,
6 what participants are able to provide.

7 Q. In your experience, is there any requirement that food be
8 prepared by a baptized member?

9 A. No.

10 Q. Is there such thing as a baptism?

11 A. I am not baptized, and --

12 Q. Is there a sacrament of baptism?

13 A. In the Ethiopian Orthodox church, yes.

14 Q. Are there sacraments in the Niyabinghi?

15 A. I don't quite understand what sacrament means. The only
16 sacrament that I'm really aware of would, of course, be the
17 herbs. I don't quite understand the idea of sacrament.

18 Q. You were here and heard Mr. Severin testify that there are
19 seven sacraments within Ba Beta Kristiyan. Are there seven
20 sacraments that are required within Niyabinghi?

21 A. Can anyone repeat them for me, the seven sacraments?

22 Q. Marriage -- sorry. I can go back. Baptism.

23 A. No. Marriage, no.

24 Q. Anointing of the sick, matrimony, baptism, penance,
25 breaking of the bread and wine, ordination of ministers.

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1 A. Those are unfamiliar to me.

2 Q. Are those sacraments -- so if they are unfamiliar to you,
3 would it be fair to say that they are not requirements within
4 Niyabinghi?

5 A. Yeah. They're not requirements in Niyabinghi, no.

6 Q. To your knowledge, are they requirements within any other
7 sect other than Ba Beta Kristiyan or within Ethiopian Orthodox?

8 A. I'm not aware, no. I can't say that with confidence, no.

9 Q. In your review of Ba Beta Kristiyan, were you able to make
10 a determination of any other notable differences between their
11 views and what is traditionally accepted amongst Rastafarian?

12 A. The baptism, the idea of a church, the idea of an
13 established order, hierachal order, a titled order, the
14 emphasis on wine, just a few that came to mind. And the other
15 is Reggae music.

16 Q. What is the significance of Reggae music within
17 Niyabinghi? Is there a significance?

18 A. Well, you have to understand that we have our own music
19 and that we call Niyabinghi music, and that would be our
20 equivalent of our spiritual music. There may be Rastas or
21 Niyabinghi, Bobo Ashanti who perform Reggae, but we have our
22 own spiritual music, and that music includes drumming and
23 chanting; not quiet prayer.

24 Q. Okay. In your service to Jesuits International or to
25 Butner, have you ever recommended a specific diet for

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1 consumption on holy days?

2 A. So on diet what I suggest is that they recognize what we
3 call an ital or natural diet. That would entail pretty much a
4 plant-based diet.

5 Q. And based on your --

6 A. Fishes that are scaled are acceptable as a part of that
7 diet but not required. So really what you have is a continuum
8 from people who want a plant-based diet to those who consume
9 some flesh in the form of scaled fish.

10 Q. I'm going to show you what's been marked as Defendant's
11 Exhibit No. 2 and ask whether the diet that's provided by the
12 North Carolina Department of Public Safety that's described
13 here in Subsection C is sufficient?

14 A. I would agree with this.

15 THE COURT: Is that on page 1?

16 MS. GRANDE: It is on page 1.

17 THE WITNESS: And I would add that any predatory
18 fish, unscaled fish.

19 BY MS. GRANDE:

20 Q. Do you agree or disagree with the characterization that
21 Abuna Foxe is the only Rastafarian expert in North America?

22 A. I would say that any Rasta who carries conviction in his
23 or her faith is an expert. In other words, there is no
24 monopoly on expertise.

25 Q. Exactly.

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1 Is there a monopoly on established practices or tradition;
2 in other words, can any Rastafari worship in a manner that is
3 acceptable to themselves?

4 A. I'm not quite sure I understand your question, but what I
5 would say is that based on my experience, every Rasta has the
6 opportunity to live up to his or her potential, to fulfill his
7 or her potential in the faith.

8 Q. And are many of the practices largely individualized? Are
9 there many requirements?

10 A. There are established -- what I would call established
11 codes of conduct and an expectation of self-discipline. So
12 it's not my responsibility so much to call out others but to be
13 responsible for my own conduct.

14 Now, of course, others will show their disapproval when I
15 do certain things that they don't approve of; but for the most
16 part, each person is responsible for his or her discipline.

17 Q. In your opinion, would inmates within DPS's custody, are
18 they required to observe holy days or holidays with a communal
19 feast consuming the foods that were set out in the dietary
20 menu?

21 A. I don't know exactly about DPS, so maybe you can ask me
22 the question differently.

23 Q. Would inmates within North Carolina prisons, in order to
24 celebrate holy days or holidays, are they required to consume
25 the foods that were set forth on the menu or the diet plan that

C. Price - Direct Examination

1 was submitted by Mr. Severin?

2 A. No. Not to my awareness, no. What is important, though,
3 is that the brothers and sisters have the opportunity to gather
4 communally. That is important. That is central.

5 Q. In your opinion, does the weekly service -- weekly
6 gathering tailored to meet and discuss and perform the rituals
7 for the holy days, the communal gatherings, is that sufficient?

8 A. The communal gatherings -- these are separate things,
9 right?

10 Q. Correct.

11 A. The communal gatherings, the weekly meetings and what
12 else?

13 Q. Would that be sufficient for the holidays or holy days?

14 A. I'm not quite sure I understand that question. So I'll
15 rephrase it.

16 So I think it's vital that the brothers and sisters are
17 able to meet regularly, to meet communally, and to be able to
18 freely practice, acknowledge those holy days.

19 Q. Now, for the -- getting to the holy days, are there holy
20 days that have been set forth that are either not recognized or
21 not as prominent within Niyabinghi that are being discussed
22 here today such as Passover or Fasika?

23 A. My whole view of the policy in general is there's a good
24 bit of misinformation in there, so I will just share with you
25 what my view is.

C. Price - Direct Examination

1 My view is, is that there are three indisputable Rastafari
2 holy days; in other words, these are days that all different
3 houses and mansions would agree upon. We would agree on
4 November 2nd, July 23 and April 21.

5 If you were to widen that just a bit, we would include
6 September 11 and January 7 as holy days.

7 Q. Okay.

8 A. But I think that there is indisputable agreement on the
9 first three that I mentioned. But what you will find is
10 disagreement once you move past those three on what constitutes
11 a holy day. And what constitutes a holy day changes over time,
12 and I can assure you that many more days will be added as time
13 passes.

14 THE COURT: Tell me what April 21st is again.

15 THE WITNESS: So on April 21, 1966 -- actually, it
16 was the week, but we recognize that particular day, Haile
17 Selassie visited Jamaica; but in particular, he met with the
18 Rastafari people in King's House in Jamaica. So in other
19 words, it was a sign of His Majesty sitting with his flock in
20 public view. It was the equivalent of Christ lifting up the
21 lowest and sitting with them.

22 BY MS. GRANDE:

23 Q. Does it hold any significance or does it say anything to
24 you that April 21st has been omitted by the Ba Beta Kristiyan
25 group?

C. Price - Direct Examination

1 A. Well, there's any number of reasons why that could have
2 happened and how that happened -- I have no idea how that
3 happened, but if it were me that would be a primary holy day,
4 if it were up to me. If it were a based and established
5 tradition, that would be included.

6 Q. Do you have any idea or any speculation as to why
7 April 21st would be left out of their holy days?

8 A. I have no idea, and I prefer not to speculate, but it
9 immediately caught my attention. So it probably boils down to
10 who was involved in the early discussions about what are the
11 significant holy days and how to prioritize what days are
12 recognized within the institution.

13 Q. Any significance that you know of to May the 5th or
14 October the 7th to elevate them to the level of a holy day, in
15 your opinion?

16 A. In my opinion, those are important days for Rasta people.
17 I would not put them on the same plane as holy days.

18 Q. Based on your review of the policies that apply to North
19 Carolina inmates and the items they are allowed to possess, is
20 there anything lacking; crowns, medallions, flags?

21 A. I'm sorry. I cut you off.

22 Q. I apologize. The personal items that they're allowed to
23 possess, is there anything lacking that you see in the way of
24 food or provisions that they are not permitted to have?

25 A. One of the things that I noticed is that they -- I may be

C. Price - Cross-Examination

1 wrong, but I didn't see that the brothers have access to
2 musical instruments, the drum in particular.

3 Q. As far as headwear, medallions, flags, those are all
4 sufficient that you reviewed?

5 A. Let's say adequate.

6 Q. DVDs, literature, attars, chant music, are those all
7 adequate --

8 A. The adequacy is the word I want to use, but I'm not quite
9 sure in what sense you mean it.

10 Q. In your opinion, is there any substantial burden placed
11 upon the inmates that are practicing Rastafarians within North
12 Carolina by the policy as it stands?

13 A. No, I do not see that.

14 Q. Okay. In your opinion --

15 A. With the exception of the drums.

16 Q. In your opinion, is there any substantial burden placed on
17 Mr. Wright by his inability to have communal feasts on his
18 preferred holy days as a practicing Rastafarian?

19 A. I don't know if I can pass judgment on Mr. Wright, but I
20 can say that I would not make the case that a feast is a
21 requirement.

22 MS. GRANDE: Okay. I don't have anything further,
23 Your Honor.

24 THE COURT: Okay. Cross-examination.

25 **CROSS-EXAMINATION**

C. Price - Cross-Examination

1 BY MS. MILES:

2 Q. Dr. Price, what sect do you ascribe to?

3 A. I am of the Niyabinghi order.

4 Q. And you testified earlier that it's not your job to decide
5 who is and who is not a Rastafarian, correct?

6 A. I said that, yes.

7 Q. And would you agree that if a specific sect does not
8 follow the Niyabinghi order that does not make them less of a
9 Rastafarian?

10 A. I would not pass judgment.

11 Q. You talk about the provisioning of the community being the
12 term used for the meal, correct?

13 A. Uhm-uhm.

14 Q. And what was the significance of the provisioning of the
15 community?

16 A. Can you ask the first part again? I'm sorry.

17 Q. What's the significance of the provisioning?

18 A. If you are going to have people spend three, five, seven
19 days together in a remote area, then you need to be able to
20 provide for that community. That community needs provisioning.

21 Q. And by provisioning you mean providing meals, correct?

22 A. Food, place to rest, fresh water, so on.

23 Q. So isn't it the practice of the inmates in gathering
24 together and sharing a meal considered provisioning?

25 A. I wouldn't say that. I don't understand the comparison.

C. Price - Cross-Examination

1 Q. If an inmate, Mr. Wright, is going to celebrate a
2 Rastafarian holy day, would that be similar to provisioning?

3 A. One person?

4 Q. And other Rastafarians under DPS custody.

5 A. The question is who is providing the support, okay?
6 That's one concern, right? And I don't think it's fair -- I
7 mean, if you're going to allow the brothers to gather for three
8 days, five days, seven days, 10 days, that's a different
9 question. So I don't know about the comparison there. I don't
10 know if the comparison is equivalent.

11 Q. Do you know Mr. Wright?

12 A. No. I don't know him, no.

13 Q. Did you -- in reviewing of any of the materials, did you
14 know Mr. Wright was baptized in 2003?

15 A. I read everything in the evidence file.

16 Q. And are you aware that he has studied the faith since that
17 time?

18 A. If it's in there, I read it. I may not be remembering it
19 right now.

20 Q. Are you aware that he celebrates the holy days that his
21 faith requires, that -- and to eat with these holy days?

22 A. Okay.

23 Q. Are you aware of that?

24 A. Yes.

25 Q. Would you say that because he celebrates these holy days

C. Price - Cross-Examination

1 with a meal that makes him less of a Rastafarian?

2 A. I wouldn't pass judgment on that.

3 Q. You mentioned that you read a lot of documents in
4 preparing for your testimony today.

5 A. Yes.

6 Q. Did that document include a memoranda in support of
7 defendant's motion for summary judgment?

8 A. I recall seeing summary judgment so many times that I
9 can't tell you exactly what document you're talking about.

10 Q. Did you read a document for -- regarding Defendant Brown
11 in the Religious Services Committee --

12 A. Do you want to show it to me? I'm not sure what you're
13 asking me.

14 THE COURT: She's trying to find the document.

15 MS. MILES: I'll find it for you.

16 BY MS. MILES:

17 Q. Did you review this affidavit?

18 A. I can't see the top part.

19 Q. Can you see it now?

20 A. What's the date?

21 Q. The date on it is -- it was filed --

22 A. Document 45, yes.

23 Q. Do you remember seeing in that document a portion of the
24 memo that discussed Defendant Brown and a Religious Services
25 Committee research in Rastafarian practices?

C. Price - Cross-Examination

1 A. Vaguely. Why don't you take me to that.

2 Q. Paragraph 16, do you recall seeing this portion?

3 A. Yes.

4 Q. And isn't it true --

5 A. Hold on one second. Hold on one second. Okay. Go ahead.

6 Q. Isn't it true that the committee's research concluded that
7 members of the Rastafarian faith celebrate holy days in a
8 personal or private manner, if at all?

9 A. Say that again. Are you asking if that's true?

10 Q. Isn't it true that that was the committee's conclusion?

11 A. That's what's in that document, is that what you're
12 saying?

13 Q. Yes.

14 A. That's in the document, yes. Do I agree with it? No.

15 Q. You're saying you do not agree with that?

16 A. Yes.

17 Q. So isn't it true that Rastafarians do celebrate holy days
18 with some type of corporate ritual?

19 A. If you go to Document 48, I wrote specifically -- I wrote
20 specifically that Document 48 contained misinformation in that
21 it concluded that Rastafari people do not engage in corporate
22 activity. That is not true.

23 Q. So you do agree that they do have some type of corporate
24 ritual?

25 A. By corporate if you mean communal, yes.

C. Price - Cross-Examination

1 Q. Isn't it true that the celebration of holy days is
2 significant to the Rastafarian community?

3 A. Of course.

4 Q. Isn't it true that the celebration of those days affirm
5 the community, the faith and its practices and belief?

6 A. I agree.

7 Q. And it's your opinion that Rastafarians are not required
8 to participate in corporate rituals to live the Rastafarian
9 life; is that correct?

10 A. Say again?

11 Q. Is it your opinion that Rastafarians are not required to
12 participate in corporate rituals?

13 A. Let's just go to what I said about self-discipline, right?
14 Each person must judge and take responsibility for how he or
15 she lives the faith, all right? If you ask me, the communal
16 part is significant and important. But if another person
17 decides that he or she can embody and carry that faith with
18 conviction independently, then that's his or her choice.

19 Q. Thank you, Dr. Price.

20 We talked about the difference between Ba Beta Kristiyan
21 Church of Haile Selassie and the Niyabinghi order. Isn't it
22 true that Ba Beta Kristiyan Church of Haile Selassie do follow
23 some of the same holy days as the Niyabinghi order?

24 A. Yeah, uhm-uhm.

25 Q. And in your testimony today you talked about

C. Price - Cross-Examination

1 any Rastafarian --

2 THE COURT: Doctor, those two are the birth of Haile
3 Selassie and Coronation? Are those the two that --

4 THE WITNESS: I said three.

5 THE COURT: Right. You said three. You said
6 everybody had three, as I understand it, tell me if I'm
7 following along, the one core belief of all Rastafarians is the
8 divinity of Haile Selassie.

9 THE WITNESS: Yes.

10 THE COURT: Beyond that, we have this discipline
11 issue, but you said even among all the mansions, three -- three
12 recognized holy days --

13 THE WITNESS: I would say there would be no argument
14 over them.

15 THE COURT: Over three. But even among those three,
16 the Ba Beta Kristiyan didn't list April 21st. So that the
17 two -- so we can take that out, back that out and say, well,
18 here's a mansion that doesn't recognize that; that the divinity
19 of Haile Selassie and then recognize two holy days at a minimum
20 among all mansions, the July 23rd, Haile Selassie's birthday
21 and November 2nd, his Coronation.

22 Those would be the two, to your knowledge, that have
23 been studied and --

24 THE WITNESS: July 23rd and November 2.

25 THE COURT: Correct.

C. Price - Cross-Examination

1 THE WITNESS: Yes.

2 THE COURT: Those would be the two that all the
3 mansions would recognize?

4 THE WITNESS: Yes.

5 MS. MILES: Thank you, Your Honor.

6 BY MS. MILES:

7 Q. Just for clarification. November 2nd and July 23rd are
8 the same holy days listed in DPS's policy, correct?

9 A. If you want me to go on the record, you probably should
10 show me.

11 THE COURT: He's looking at Plaintiff's Exhibit 4,
12 page -- whatever that page is, Doctor. There are two listed.

13 THE WITNESS: Can you ask the question again?

14 BY MS. MILES:

15 Q. Is November 2nd and July 23rd listed as holy days in DPS's
16 policy?

17 A. In Plaintiff's Exhibit 4, yes.

18 Q. Those are the holy days you said that all mansions, you
19 would agree, celebrate?

20 A. Yeah, there wouldn't be argument over that.

21 Q. And you also stated in your testimony earlier that there
22 are some inconsistencies with DPS's policy with regard to the
23 Rastafarians; is that correct?

24 A. Yes, but that's not unusual.

25 MS. MILES: No further questions, Your Honor.

1 THE COURT: Anything else, Ms. Grande?

2 **REDIRECT EXAMINATION**

3 **BY MS. GRANDE:**

4 Q. Just for clarity sake. With those holy days, the 23rd and
5 the 2nd, no requirement of consumption of a communal -- of a
6 feast?

7 A. Can you ask the first part again? I'm sorry.

8 Q. On July 23rd and November 2nd, is there a requirement that
9 Rastafarians consume a communal feast?

10 A. As I said, the word "feast" is not commonly used and
11 "requirement" is not commonly used.

12 Q. Okay. And you shared your thoughts about the Rastafarian
13 policy as it exists with prison administration or with DPS
14 separate and aside from your testimony here today?

15 A. I've offered my opinion, yes.

16 Q. Yes, correct.

17 As a matter of general -- generalizing, do you see the
18 policy as sufficient or deficient?

19 A. I see it as adequate.

20 MS. GRANDE: Nothing further, Your Honor.

21 THE WITNESS: I would not use the word "sufficient."

22 THE COURT: Thank you, Doctor.

23 Let's take a recess until 3:10.

24 (The proceedings were recessed at 3:01 p.m. and reconvened
25 at 3:10 p.m.)

R. Speer - Direct Examination

1 THE COURT: The defense can call its next witness.

2 MS. GRANDE: Your Honor, at this time the defense
3 will call Mr. Speer to the witness stand.

5 RANDALL SPEER,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. GRANDE:

9 Q. Mr. Speer, can you state your full name for the record for
10 us.

11 A. Randall J. Speer.

12 Q. Where do you live, Mr. Speer?

13 A. Advance, North Carolina.

14 Q. Did you previously reside in Raleigh or work in Raleigh?

15 A. I worked in Raleigh, resided in -- lived in Garner.

16 Q. Did you work for the Department of Correction?

17 A. Yes.

18 Q. What did you do?

19 A. I was a Clinical Chaplain 1 from '92 until I think 2000, I
20 was at Odom, hired at Odom, lateral to Central Prison in May of
21 '95 and promoted to Clinical Chaplain 3 in 2011.

22 Q. In what year did you stop working for the Department?

23 A. The end of 2013, last day.

24 Q. When you worked for the Department, what prison facility
25 or was there a specific prison facility you were assigned to?

R. Speer - Direct Examination

1 A. Yes, Central Prison.

2 Q. Did you ever meet or encounter Inmate Wright, the
3 plaintiff?

4 A. Yes, I did.

5 Q. Okay. And did you ever have any interactions with him,
6 discussions or conversations that you recall with specificity?

7 A. Yes.

8 Q. And what were the substance of those interactions with
9 him?

10 A. Basically, the Rastafarian faith and his desire to have
11 his version of it recognized and supersede the policy.

12 Q. At any point did you treat Mr. Wright outside of the scope
13 of the policy that was approved for Rastafarians?

14 A. What do you mean "treat"?

15 Q. Did you allow him or permit him any accommodations that
16 were outside of the scope of policy?

17 A. Oh, no.

18 Q. Do you have the authority to do that?

19 A. No, ma'am.

20 Q. Okay. Did you ever intentionally deprive him of any
21 religious exercise?

22 A. No, ma'am.

23 Q. Did you ever intend to impede his ability to practice his
24 Rastafarian faith --

25 A. No, sir.

R. Speer - Direct Examination

1 Q. -- or burden it?

2 A. No.

3 Q. Did you counsel him in any way on how to seek
4 accommodations?

5 A. Yes. He wanted the policy modified, and I explained to
6 him the DC-572 and gave him one and he took it and filled it
7 out, brought it back to me, and I forwarded it to the Director
8 of Religious Services.

9 Q. All right. I'm going to show you what's been marked as
10 Defendant's Exhibit No. 11. Is this the DC-572 that you were
11 referring to?

12 A. It appears to be, yes.

13 Q. Is there anywhere on here that would indicate your
14 signature?

15 A. Shouldn't be.

16 Q. But this is the document that you would forward to
17 chaplaincy services as you testified?

18 A. Yes.

19 Q. And did you alter or change this document in any way?

20 A. No, ma'am.

21 Q. Did you ultimately receive any feedback as to whether the
22 accommodations were going to be allowed to Mr. Wright or not?

23 A. I did receive a letter from Chaplain Brown and talked with
24 Inmate Wright about it; that there were not going to be any
25 modifications to meet what he requested.

R. Speer - Cross-Examination

1 Q. Okay. To your knowledge, based on your understanding of
2 the Rastafarian policy, were there any feast meals that were
3 required for corporate worship or for communal worship purposes
4 on Rastafarian holidays or holy days?

5 A. No, ma'am.

6 Q. Okay. So in your interactions with Mr. Wright, would it
7 be fair to say that you were simply following the Religious
8 Practices Manual?

9 A. Yes, ma'am.

10 MS. GRANDE: I don't have anything further for
11 Mr. Speer.

12 THE COURT: Cross-examination.

13 **CROSS-EXAMINATION**

14 **BY MS. MILES:**

15 Q. Mr. Speer, you said you were a chaplain at Central Prison;
16 correct?

17 A. Yes. Could you speak into the microphone please?

18 Q. Yes, sir. Can you hear me now?

19 A. Okay.

20 Q. As chaplain, it was your duty to aid in the various
21 religious groups, correct?

22 A. Yes.

23 Q. Did you work closely with the faith helpers?

24 A. Yes.

25 Q. Mr. Wright was a faith helper at Central Prison, correct?

R. Speer - Cross-Examination

1 A. He was.

2 Q. He was the faith helper for the Rastafarian group?

3 A. He became that, yes.

4 Q. And you spoke with Mr. Wright on more than one occasion
5 regarding his religious accommodations, correct?

6 A. Yes.

7 Q. Isn't it true that there's a Religious Services Committee?

8 A. Sure is, yes, ma'am.

9 Q. And that committee researches the religious
10 accommodations, correct?

11 A. That's correct.

12 Q. And based off of the committee's research, they create the
13 policies for the faith group DPS-wide, correct?

14 A. No. They recommend a policy that then goes to legal -- or
15 it used to, it went to legal, and I think that may have been
16 all and then it came back down the chain and was distributed
17 through Chaplain Brown's office.

18 Q. So they recommend whatever their research is?

19 A. Yes.

20 Q. And the policies that are created, are they issued in the
21 Religious Practices Manual?

22 A. Religious Faith Practices Manual, yes.

23 Q. Are you a part of this -- were you a part of the religious
24 service group?

25 A. As a chaplain but not as the group that made that policy

R. Speer - Cross-Examination

1 or recommended policy.

2 Q. All right.

3 A. My time of service predates that manual, so at times I did
4 write policy, but not that was statewide; it was only
5 institutional limited.

6 Q. So you didn't have any influence over the religious
7 policy --

8 A. No.

9 Q. -- or accommodations made?

10 A. No, by that group. I did have influence over the
11 accommodations made at Central Prison.

12 Q. I believe you stated that you were never made aware of any
13 authoritative sources for the Rastafarian faith?

14 A. That's correct.

15 Q. What type of authoritative resources were you looking for?

16 A. I was looking for a communal group or gathering to
17 actually go visit it myself and learn more about it. Those
18 names and resources usually came through the chaplaincy
19 director's office and Rastafarian, like other religions, had
20 piqued my curiosity, so at times I would go and learn more
21 about them by actually sitting in.

22 THE COURT: You would actually what?

23 THE WITNESS: Sit in.

24 BY MS. MILES:

25 Q. Could you have done your own research if you wanted to?

R. Speer - Cross-Examination

1 A. I did some, yes.

2 Q. For the Rastafarian faith?

3 A. For most of them.

4 Q. At any point in time when you did your research, could you
5 have discussed with your research -- sorry. I'll repeat the
6 question.

7 At any time could you have discussed any of the research
8 that you did with the Religious Services Committee?

9 A. I could have, but it became more of a discussion with
10 other chaplains, as we would say, did you know so and so faith
11 believes such and such and we would banter around at our
12 meetings like this. It was actually a good learning
13 experience.

14 Q. When you did your research on the Rastafarian faith, did
15 you make any recommendations to the Religious Services
16 Committee?

17 A. Not my role.

18 Q. Were you aware that Mr. Wright is a member of the Ba Beta
19 Kristiyan Church of Haile Selassie I?

20 A. He made that very clear to me when we met.

21 Q. Are you aware that that's a recognized sect within the
22 Rastafarian community?

23 A. Until today, no.

24 Q. If you had known that that was a recognized sect, would
25 you have spoken with a member of the Ba Beta Kristiyan Church

R. Speer - Cross-Examination

1 of Haile Selassie?

2 A. No, because he -- Inmate Wright indicated there was no
3 relationship or services in North Carolina.

4 Q. But would you agree that Ba Beta Kristiyan Church of Haile
5 Selassie is an authoritative source for the Rastafarian --

6 A. All authoritative sources for practicing chaplains in the
7 field comes from the director's office. We don't go out
8 searching for them. We're dependent on that office to do
9 screening beyond what we're capable of doing.

10 Q. Isn't it true that there's absolutely no accommodations
11 for Rastafarians to celebrate holy days with a meal in the
12 Religious Practice Manual, as you knew it then?

13 A. That would be correct.

14 Q. Isn't it true that memoranda are issued yearly for
15 accommodations for various religious groups to have meal?

16 A. Correct.

17 Q. Isn't it true that these memoranda are issued to all 56
18 DPS facilities?

19 A. I have no knowledge of that, but I would hope so.

20 Q. So would you agree that the memoranda issued are
21 system-wide policies?

22 A. System-wide of feasts or observances, yes.

23 Q. Isn't it true that Muslim celebrate Eid al-Fitr and Eid
24 al-Adha?

25 A. That's correct, it's a tenets of their faith.

R. Speer - Cross-Examination

1 Q. Isn't it true that Muslims are permitted to observe Eid
2 al-Fitr?

3 A. That's correct.

4 Q. And isn't it true that the observance includes a prayer
5 service?

6 A. That's correct.

7 Q. And isn't it true that both Muslim holy days include some
8 element of a meal or a feast?

9 A. That's correct.

10 Q. Isn't it true that memoranda issued for the Muslim feast
11 outline the dates of each celebration?

12 A. Correct.

13 Q. And it also includes how the meals are to be provided,
14 correct?

15 A. Yes.

16 Q. Isn't it true that only the Muslim inmates attend the
17 observance meal?

18 A. Much to their chagrin, yes.

19 Q. Isn't it true that volunteers are permitted to provide the
20 meals and attend the observance?

21 A. Yes.

22 Q. Isn't it true that when volunteers are unavailable, the
23 inmates are permitted to raise funds in order to provide for
24 the meals?

25 A. Outside of the Muslims, I don't remember any group raising

R. Speer - Cross-Examination

1 funds to have a feast or meal.

2 Now, the American Indians, they did not have a fund when I
3 was there that I recall, but to get around the policy, what
4 they did was have fellow American Indians send money to
5 someone's family to buy all that in a way that complies with
6 policy to bring to the institution.

7 Q. And for the Muslim inmates, the funds that they use, was
8 that known as the Zakat fund?

9 A. Yes, it is, which is a pillar of their faith. It's a
10 basic tenet.

11 Q. Isn't it true that when neither the volunteers or the
12 Zakat fund was able to provide meals for the Muslim inmates,
13 the food service staff would provide the Muslim inmates with a
14 regular tray?

15 A. Yes. Early on, I'm talking in the late '90s, sometimes
16 they would enhance that tray with just some extra cake that
17 wasn't on the normal menu.

18 Q. And were the Muslim inmates, when they were provided their
19 regular food tray, did they still gather in the dining hall?

20 A. The ones that were in population, yes.

21 Q. And these procedures are outlined in the annual memoranda
22 that was issued, correct?

23 A. Yes.

24 Q. And you mentioned the American Indian faith. Isn't it
25 true that they observed the Green Corn festival?

R. Speer - Cross-Examination

1 A. They do.

2 Q. Isn't it true that Green Corn observance includes a meal?

3 A. Yes, it does.

4 Q. Isn't it true that the facility chooses the time for the
5 meal?

6 A. There's a window there where it can be chosen, yes.

7 Q. Isn't it true that only members of the American Indian
8 faith are permitted to attend the observance meal?

9 A. Yes.

10 Q. Isn't it true that volunteers from the American Indian
11 community may provide the food at times?

12 A. If we had them, and we don't, or we didn't when I was
13 there.

14 Q. But if they were available, they could provide the food,
15 correct?

16 THE COURT: They could what?

17 MS. MILES: They could provide the food.

18 THE WITNESS: If it complied with the way food had to
19 be wrapped and prepared, yes.

20 BY MS. MILES:

21 Q. Isn't it true that when volunteers were not able to
22 purchase the food, if they were available, that members of the
23 faith can use their own funds to purchase the food?

24 A. Only the Muslims?

25 Q. American Indians.

R. Speer - Cross-Examination

1 A. They did not have, when I was there, a communal fund that
2 they can contribute to.

3 Q. So at the time that you were working at Central Prison,
4 you only knew of the Muslim inmates who were able to contribute
5 to a fund?

6 A. Yes, Zakat fund.

7 Q. Were you aware of the Offender Service Club at the time
8 that you worked at Central Prison?

9 A. I don't remember that.

10 What is the Offender Service Club?

11 THE COURT: Well, maybe your lawyer will ask that.
12 The process is the lawyer gets to ask the question. The
13 witness doesn't ask the questions.

14 THE WITNESS: My apologies, Your Honor.

15 THE COURT: That's all right. It's a process. Not
16 everyone does this every day like some of us.

17 Go ahead.

18 BY MS. MILES:

19 Q. Mr. Speer, isn't it true that the members of the Jewish
20 faith celebrate Passover?

21 A. They do.

22 Q. Isn't it true that the celebration of Passover includes a
23 meal?

24 A. It does.

25 Q. Is that meal known as the Seder ritual food?

R. Speer - Cross-Examination

1 A. That's one name, yes. It's -- yes.

2 Q. And only those inmates registered as Jewish members were
3 able to attend this meal?

4 A. They are able to receive the meal. We never had a
5 communal service where they had it together.

6 Q. Were there policies in place that allowed for members of
7 the Jewish faith to have volunteers bring in a meal?

8 A. Probably. I don't remember. I do remember that the
9 policy is very consistent in that what they allow for one they
10 allow for the others.

11 Q. Isn't it true that the Moorish Science Temple of America
12 practitioners observed the Prophet Noble Drew Ali's birthday?

13 A. Absolutely.

14 Q. And the Moorish American New Year?

15 A. They do, yes.

16 Q. And isn't it true that only members of this faith are able
17 to observe the holy days?

18 A. Yes.

19 Q. Isn't it true that a meal is provided to commemorate the
20 Prophet's birthday?

21 A. I believe so.

22 Q. And to the best of your knowledge, were volunteers able to
23 provide the food for --

24 A. We had no volunteers.

25 Q. Would they have been able to provide it if volunteers were

R. Speer - Redirect Examination

1 available?

2 A. If it complied with policy.

3 Q. So you would agree that there are, in fact, policies in
4 place that accommodate other religious groups' celebration of
5 holy days with a meal, correct?

6 A. Yes.

7 Q. Isn't it true that Mr. Wright suggested alternative
8 funding for the celebration of the Rastafarian holy days?

9 A. Not to my recollection, no.

10 Q. Would you agree that each facility, based off the
11 memoranda that is issued annually for the various religious
12 holy days with the meals, would be fully capable of
13 implementing adequate safety measures during that time?

14 A. Yes.

15 Q. What about staffing?

16 A. I would hope so.

17 MS. MILES: No further questions.

18 THE COURT: Thank you.

19 **REDIRECT EXAMINATION**

20 **BY MS. GRANDE:**

21 Q. Mr. Speer, is it your understanding or based on your
22 knowledge is the consumption of a feast a tenet of the faith
23 for the MSTAs, the American Indians, the Islamic and Jewish
24 communities?

25 A. Yes, they are.

T. Stratton - Direct Examination

1 Q. Are there any other faith groups, such as the Wiccans, the
2 Asatru, the Hebrew Israelites that are provided feast meals
3 where they are not required by the tenets of their faith?

4 A. No, it's got to be a tenet.

5 Q. Based on your research or your knowledge of the
6 Rastafarian faith, is there a feast meal or some element of
7 food that is required by the faith?

8 A. No.

9 MS. GRANDE: Nothing further.

10 THE COURT: Thank you. Did you move to admit Exhibit
11 11?

12 MS. GRANDE: I can now, Your Honor. I believe
13 Exhibit No. 11 and No. 4 are exhibits that we have discussed.

14 THE COURT: Okay. They'll be received.

15 (Defendant's Exhibit Nos. 4 and 11 were admitted into
16 evidence.)

17 MS. GRANDE: May Chaplain Speer, even though he's a
18 defendant, be excused?

19 THE COURT: Any objection?

20 MS. MILES: No, Your Honor.

21 THE COURT: You're excused.

22 You may call your next witness.

23 MS. GRANDE: The defense would call Ms. Stratton.

24 **TERRI STRATTON,**

25 having been duly sworn, testified as follows:

T. Stratton - Direct Examination

1 Q. Did Mr. Wright ever make any specific requests of you?

2 A. He did. He was asking for CDs or for movies or DVDs, not
3 movies anymore, and certainly the extra added times for the
4 holy days and the holidays and feast meals and such.

5 Q. Okay. Did you attempt to accommodate him where you could?

6 A. I did.

7 Q. All right. I'm going to show you what's been marked as
8 Defendant's Exhibit No. 23. Is this an e-mail from you -- I
9 apologize.

10 A. Yes.

11 Q. And what does that e-mail note or request or list?

12 A. Those are a list of the DVDs that I had ordered at the
13 time for the Rastafarian faith group.

14 Q. Was that in part based on the request by Mr. Wright?

15 A. Yes, by title actually.

16 MS. GRANDE: Your Honor, at this time I move Exhibit
17 23 into evidence.

18 MS. MILES: Objection, Your Honor. Relevance.

19 THE COURT: Overruled. It'll be received.

20 (Defendant's Exhibit No. 23 was admitted into evidence.)

21 BY MS. GRANDE:

22 Q. I'm going to show you what's been marked as Exhibit 24.
23 Do you recognize this memo?

24 A. I do.

25 Q. Did you have a hand in drafting or writing this memo?

T. Stratton - Direct Examination

1 A. I did. I wrote it.

2 Q. And what's the purpose of the memo?

3 A. Mr. Wright had asked for recognition of one of the
4 holy days and because in the Religious Faith Practice Manual
5 that particular holy day was acknowledged as a holy day, I
6 asked permission for them to be able to gather for an hour and
7 a half to be able to celebrate the holy day.

8 Q. Again, that was prompted by the request of Mr. Wright; is
9 that correct?

10 A. Yes, and the group.

11 Q. Was there any additional request that Mr. Wright made that
12 you were not able to fulfill or provide for?

13 A. He did ask for food to be part of the celebration, which
14 is absolutely not part of policy, and he wanted other people
15 other than the Rastafarians to be able to be invited as a whole
16 group, and I said no on that.

17 Q. Okay. As far as your experience at Central Prison, when
18 is food provided to inmate groups for religious celebrations?

19 A. Specifically when there's a director's memo that states
20 that food is allowed for a particular holiday or feast day.

21 Q. Is the food allowed based upon the tenets of the faith?

22 A. Yes.

23 Q. To your knowledge, does the Rastafarian faith require
24 food?

25 A. Not in the minor research that I've done, no.

T. Stratton - Direct Examination

1 Q. And according to the Religious Practices Manual, does it
2 require food for holy days or holidays?

3 A. No.

4 Q. For -- as far as Mr. Wright's request that other inmates
5 attend the service that you held or permitted, did that signify
6 to you what the intent of his request was?

7 A. I did question the intent. Certainly, their worship time,
8 their Tuesday meeting time is open to anybody that -- even if
9 they're just questioning, you know, what Rastafarian is, we
10 allowed them to come in, the general population, to view that
11 service, but this was a specific day to observe a specific holy
12 day for the specific faith group, so I said no.

13 Q. Okay. For other faith groups such as Jewish or Islam or
14 American Indian, are other inmates, general population inmates
15 permitted to partake in religious holy day celebrations?

16 A. Absolutely not.

17 Q. Could you walk me through what the process is, for
18 example, for setting up the Green Corn celebration?

19 A. From start to finish, there's a memo that's produced from
20 the director's office that has the outline and the guidelines
21 as to how we are supposed to do it and what we're supposed to
22 do and the dates we're allowed to do it.

23 There's a poster put up for the inmates so they can see
24 that that is coming up. They have a time frame that they can
25 put a request in to participate in the observance. Once the

T. Stratton - Direct Examination

1 deadline is up, then a list is made and a memo is generated
2 from my office to the warden's office for -- or probably the
3 associate warden program's office, depending, for permission to
4 sign off on it. And once the date is set, then we make
5 arrangements to have a place and a time to do that so it didn't
6 conflict with chow times or count times or some of the other
7 many scheduled events.

8 In the Green Corn feast, then, if there's food, outside
9 food to be brought in, it comes in from the front gate. It's
10 looked at by custody, make sure everything is within policy and
11 then brought to the chow hall for distribution.

12 Q. Who actually serves the food?

13 A. I do.

14 Q. And are inmates permitted to partake in the preparation of
15 food at all?

16 A. No, not at all.

17 Q. What's the purpose behind that restriction?

18 A. Well, there are certain inmates that can be in the kitchen
19 that are assigned to the kitchen and the kitchen supervisor has
20 the ones that can and cannot handle certain instruments,
21 certain utensils and all that. And in order not to tie them up
22 for their regular work time and work schedule, then we -- we,
23 along with -- I see we, the chaplains -- along with kitchen
24 supervisors that are custody staff prepare the food so other
25 inmates can't be accused of tampering with food or whatever.

T. Stratton - Direct Examination

1 Q. So there are security reasons, custodial reasons for the
2 restrictions on the preparation of food --

3 A. Yes.

4 Q. -- who may bring the food in, how it's sealed, not sealed,
5 things like that, correct?

6 A. Absolutely.

7 Q. To your knowledge, are American Indians permitted to take
8 up a collection of sorts to pay for the Green Corn celebration?

9 A. At one time when I first came into the department, family
10 members were allowed to bring food, and I -- I'm not
11 specifically sure of the reason, but because of the opportunity
12 for disease or for some sort of botulism to come in, the
13 homemade food was stopped, so the outside food could come into
14 the prison, but it couldn't come from grandma's kitchen. She
15 couldn't send in the cornbread and somebody else send in
16 something else.

17 So the policy was changed so the food had to be bought
18 from vendors and those vendors would have to have a grade, you
19 know, a -- I forgot what you call the grade, but they had to be
20 a graded facility so that you knew that the temperatures were
21 correct.

22 So the Indian inmates used to have, or one of the groups,
23 their families would bring in the food. Then it got where they
24 couldn't do that so the inmates would have their families to
25 send money to somebody that they had chosen on the outside to

T. Stratton - Direct Examination

1 actually buy the food and bring it in. Well, that got to be
2 too much for the one particular person that they kept relying
3 on.

4 So at Central Prison we set up a service club for the
5 inmates so that if they chose they could direct their personal
6 money into the fund at the canteen and then that money was used
7 to buy vendor food, like Smithfield Barbecue or something like
8 that that was an approved vendor. That way it was per policy
9 and they weren't using welfare money. We couldn't use welfare
10 money to buy food for other religious groups.

11 Q. So there's a difference between the welfare fund and a
12 service club that may or may not be set up for a particular
13 religious group?

14 A. Right.

15 Q. Okay. And is that practice still in existence today at
16 Central Prison or has that changed as well?

17 A. No, it's still there.

18 Q. What is the purpose of the Green Corn celebration, what's
19 your understanding of it?

20 A. It's -- in layman terms, it's sort of like Thanksgiving.
21 They had a season of growth, a spring of planting and a season
22 of reaping and harvesting, so they celebrate the harvest with
23 the Green Corn feast.

24 Q. Are they required to consume certain foods?

25 A. Yes, they're supposed to have corn.

T. Stratton - Direct Examination

1 Q. Again, it's your understanding that that's a tenet of that
2 particular faith practice?

3 A. Yes.

4 Q. After this August of 2014 accommodation or service that
5 was permitted for Inmate Wright, did he appear to be satisfied
6 with the accommodations that were allowed to him?

7 A. I'm sorry. Did he appear to be satisfied or dissatisfied?

8 Q. Either one.

9 A. He appeared to be dissatisfied.

10 Q. Did he voice that to you?

11 A. Yes.

12 Q. Okay. Did you ever --

13 MS. GRANDE: Your Honor, at this time I move Exhibit
14 24 in evidence.

15 THE COURT: Let it be received.

16 (Defendant's Exhibit No. 24 was admitted into evidence.)

17 BY MS. GRANDE:

18 Q. I'd like to show you what's been marked as Exhibit No. 25.
19 Is this an e-mail from you as well?

20 A. Yes, it is.

21 Q. Does this e-mail indicate one way or another whether all
22 practicing Rastafarians were Rastafarians which had crowns or
23 didn't have crowns? What's the purpose of this e-mail?

24 A. We had noticed -- I was -- my office was in a unit of
25 processors which were brand new inmates that had just received

T. Stratton - Direct Examination

1 their charges and convicted and they were moved into the prison
2 for processing. And I noticed a large number of the
3 Rastafarian crowns in the hallway. So when I looked to see how
4 many Rastafarian faith practitioners were actually in that
5 unit, there seemed to be far more crowns than there were people
6 that were professing to be of that faith group.

7 So I sent an e-mail to the deputy warden and asked him --
8 well, I told him, and I wanted to get permission from custody
9 to actually ask them, you know, to check if they saw somebody
10 with a crown on if they were Rastafarian; and if they were not,
11 then that crown was contraband.

12 Q. Okay. In your experience, have you known whether
13 Rastafarian items such as crowns could be used as contraband or
14 to conceal contraband?

15 A. They have been used to conceal contraband. It's
16 relatively easy to hide anything up inside the crown. And if
17 they have long hair, if they have the long dreads, it's
18 relatively easy to hide something in their hair itself.

19 MS. GRANDE: Your Honor, at this time I move Exhibit
20 No. 25 into evidence.

21 THE COURT: It'll be received.

22 (Defendant's Exhibit No. 25 was admitted into evidence.)
23 BY MS. GRANDE:

24 Q. Chaplain Stratton, did you ever intentionally deprive
25 Inmate Wright or any Rastafarian of the ability to exercise

T. Stratton - Direct Examination

1 their religion?

2 A. Absolutely not.

3 Q. How frequently do the Rastafarians meet?

4 A. Once a week at our facility. It's on Tuesdays from 9:30
5 to 10:30.

6 Q. I'm going to show you what's been marked as Exhibit No.

7 26. Do you recognize this document?

8 A. I do.

9 Q. Okay. And do you recall if this was ever provided to
10 Inmate Wright?

11 A. I do not. I can't say whether it was or wasn't.

12 Q. Okay. Do you recall whether you drafted this document or
13 if it was drafted by someone else?

14 A. I am relatively certain I drafted it for somebody else.

15 Q. Who was that other person?

16 A. I don't remember. I don't remember if -- I don't remember
17 if it was for my supervisor or for -- which would be the
18 associate warden of programs or for the deputy warden. I don't
19 think we had a warden at that time, but I'm not sure.

20 Q. What was the purpose of this document?

21 A. Mr. Wright had expressed his displeasure with the way that
22 I had acted in good faith to try to allow them more time to
23 have a holy day observance, and so he kept - for lack of a
24 better word - hounding and hounding about wanting the holy days
25 and wanting this, and it got to the point where I just had to

T. Stratton - Direct Examination

1 put my foot down and say this is what the Religious Practices
2 Manual says, this is the policy and this is the way we're going
3 to go.

4 Q. And that's what you informed him of in that letter?

5 A. Yes.

6 Q. And that letter includes that only the dates that were
7 listed in the policy or the Religious Practices Manual were
8 going to be, I guess, recognized, for lack of a better word?

9 A. Yes.

10 Q. Okay. Before writing this letter, did you do any limited
11 amount of research just to consult whether there were
12 additional accommodations that were needed to be given to Mr.
13 Wright?

14 A. I had done some research but mainly just for my own
15 education what the faith group was, what they believed as basic
16 tenets. I didn't go deep into research to make any changes
17 because I don't have the authority to do that.

18 Q. Did you ever review anything that indicated that meals
19 were required or feasts were required?

20 A. I could not find that, and I did specifically look.

21 MS. GRANDE: Your Honor, at this time I move Exhibit
22 No. 26 into evidence.

23 THE COURT: It'll be received.

24 (Defendant's Exhibit No. 26 was admitted into evidence.)

25 BY MS. GRANDE:

T. Stratton - Direct Examination

1 Q. Ms. Stratton, I'm going to show you what's been marked as
2 Exhibit No. 27. Can you tell me what this document is?

3 A. That's a list of our faith meeting groups at Central
4 Prison.

5 Q. Okay. Is this a typical weekly calendar, would you say?

6 A. It is.

7 Q. Is this representative of the number of services that are
8 held at Central Prison within a week's period, are there
9 sometimes more, sometimes less?

10 A. There are sometimes more. We have a group that comes in
11 in the fall semester that does a two-hour program through Duke
12 Divinity School, through a program that they got that will fall
13 into that calendar that takes up another two hours, usually on
14 Thursdays, but...

15 Q. Okay. And would you say -- how many chaplains are
16 required to supervise all of these groups that are listed here?

17 A. It's one chaplain per program in the Monday through
18 Fridays. Sometimes on the Saturdays, especially with the
19 Kairos events, it may take two, depending on the numbers.

20 Q. So in other words, there are chaplains required at the
21 facility seven days a week?

22 A. No, we're there Monday through Friday every week. The
23 Saturdays and Sundays are as needed.

24 Q. Okay.

25 MS. GRANDE: Your Honor, at this time I move Exhibit

T. Stratton - Direct Examination

1 27 into evidence.

2 THE COURT: It'll be received.

3 (Defendant's Exhibit No. 27 was admitted into evidence.)

4 BY MS. GRANDE:

5 Q. I'm going to show you what's been marked as Defendant's
6 Exhibit No. 28. Can you tell me what this document is?

7 A. That's a list of all the programs that are offered at
8 Central Prison through the program department.

9 Q. When you, as head chaplain, are planning religious
10 services, did you have to take this document into
11 consideration?

12 A. I do, because depending on vacations or sicknesses or
13 other situations I have to call on case managers or other
14 program staff to help me cover, and I have to make -- I have to
15 have their schedule so that I know where they are.

16 MS. GRANDE: Your Honor, at this time I would move
17 Exhibit No. 28 into evidence.

18 THE COURT: It'll be received.

19 (Defendant's Exhibit No. 28 was admitted into evidence.)

20 BY MS. GRANDE:

21 Q. I'll show you what's been marked as Defendant's Exhibit
22 No. 29. Can you tell me what this document is?

23 A. That's the attendance sign-in sheet that we place at the
24 door at the beginning of every worship service or religious
25 gathering of everything that we supervise so that we know who

T. Stratton - Direct Examination

1 it is, when it is, who's there, what officers are there and
2 then the inmates will sign in.

3 Q. Does it indicate how many chaplains and how many custody
4 staff were present?

5 A. Yes.

6 Q. And how many custody staff were generally present?

7 A. One to two, depending on the event.

8 Q. And on this particular day it appears there were two; is
9 that correct?

10 A. Yes, yes.

11 Q. And again, how often are Rastafarian services?

12 A. Once a week.

13 Q. Okay. I'm going to slowly go through some of these
14 services.

15 Did you ever have the occasion to serve as the supervisor
16 for these services?

17 A. I did. When I first got to Central Prison, that was my
18 assigned area.

19 Q. Okay. So for example, here on page 3, what does the
20 notation here mean?

21 A. It means that because the faith helper wasn't available,
22 then the service was canceled.

23 Q. So, again, that's not at the discretion of the chaplain
24 who was scheduled to supervise that to cancel services; it's
25 because of the lack of faith helper?

T. Stratton - Direct Examination

1 A. Right.

2 Q. So here, for example, is this a service that you
3 supervised?

4 A. Yes.

5 Q. And this one as well?

6 A. Yes.

7 Q. Okay.

8 MS. GRANDE: Your Honor, at this time I move Exhibit
9 29 into evidence.

10 THE COURT: It'll be received.

11 (Defendant's Exhibit No. 29 was admitted into evidence.)

12 BY MS. GRANDE:

13 Q. Would you say that Mr. Wright frequently or infrequently
14 attended services?

15 A. Frequently.

16 Q. Was his presence required to have the services?

17 A. Yes.

18 Q. Because he was the faith helper; is that right?

19 A. Yes.

20 Q. Can you explain to us what has been marked as Exhibit
21 No. 30, what this document is?

22 A. Every month I have to turn in a report to my supervisor
23 for the monthly attendance for the religious programs. It says
24 "quarterly attendance" at the top, that's a misprint. But the
25 numbers under inmates is the number of inmates that were in

T. Stratton - Direct Examination

1 attendance on that particular week for that particular service.
2 For example, the Ta'lim service for unit three on week two,
3 there were 17 inmates present, one custody staff, one chaplain
4 and one volunteer.

5 Q. What about for Rastafarians, approximately how many
6 inmates generally attended services?

7 A. In this month I would say the average was four.

8 Q. What about for the other faith groups, would you say they
9 are larger or smaller than the Rastafarian group?

10 A. Definitely larger.

11 Q. Do they demand more resources?

12 A. Absolutely.

13 Q. So in other words, are more custody staff, more chaplains
14 and more materials required for groups that are larger in size?

15 A. Yes, if it's something that's going to be individually
16 handed out, yes. If it's a DVD or CD or something, no, one per
17 group.

18 Q. Now, I'd like to scroll through to these inmate numbers.
19 For example, what we -- where we have this, what appears to be
20 the larger numbers in the center of the page here, can you tell
21 me what that is?

22 A. Across the bottom like above where it says "inmates"?

23 Q. Yes.

24 A. That's the total number of inmates that participated in
25 some sort of religious program for that month, 1,054.

T. Stratton - Direct Examination

1 Q. What about for custody, what does that number above the
2 custody mean?

3 A. There's a purple arrow, for some reason, on top of mine.
4 I have no clue what that is.

5 Q. Sorry. Okay.

6 A. That meant there were 80 custody hours. I'm saying hours
7 because the majority of the programs were one hour in length,
8 so 80 custody hours were necessary to cover for those programs,
9 whether they have four inmates in the program or 25.

10 Q. What about chaplains?

11 A. Sixty-nine.

12 Q. And what about volunteers?

13 A. Sixty-two. Sixty-two hours.

14 Q. And so, again, this is only in the space of one month,
15 correct?

16 A. That's right.

17 Q. That custody staff spent 80 hours, chaplains have spent 69
18 hours and over a thousand inmates have come through religious
19 services?

20 A. Yes, ma'am.

21 Q. Would you say that the calendar for religious services is
22 full, not full?

23 A. Yes, very full.

24 Q. When we go down here to the special groups, can you tell
25 me what these are?

T. Stratton - Direct Examination

1 A. Every Sunday we allow one group to come in to do a special
2 program. Like Favor is a Evangelistic group that comes in and
3 preaches and does music. So like Favor might be the first
4 Sunday of the month, Gethsemane, I think they're the third
5 Saturday. The third Saturday of the month Kairos has either a
6 retreat or reunion that is within the program parameters that
7 Kairos International does, they have a monthly reunion or
8 retreat.

9 Kingdom Covenant, Travelin' Lite, Evangelist Ferguson,
10 those are still Sunday afternoon, hour-and-a-half programs that
11 are offered to general population.

12 Central Church is a group that comes in once a quarter, so
13 they may not or may not made the -- like they're not on that
14 one. And then Kairos, that's a two-times-a-year, four-day
15 event so there you see Kairos day one. There's another page
16 I'm sure that -- oh, there it is. How about that?

17 So that particular month, because Kairos was one of the
18 programs that we had, we had a total of -- I can't see the
19 number, but over 2,000 inmates that went through a religious
20 program at one point or the other, 362 hours of custody and/or
21 program staff coverage.

22 Q. 152 chaplaincy hours; is that right?

23 A. Yes.

24 Q. 36 or 38 of program staff and 590 hours of volunteer
25 services?

T. Stratton - Direct Examination

1 A. Now, those numbers for custody, chaplain and volunteers,
2 that right there is per hour. For a Kairos event it's an
3 eight-hour event per day, so then that had to go back and
4 recalculate. For those particular four days it might say 76,
5 we'd have to multiply that times eight. That's an eight-hour
6 day.

7 Q. And that's where you got the 362?

8 A. Right.

9 Q. So needless to say, there's a significant impact for any
10 one particular program or group on these hours and these
11 numbers, operations or logistics here, correct?

12 A. Yes.

13 MS. GRANDE: Your Honor, at this time I move Exhibit
14 30 into evidence.

15 THE COURT: It'll be received.

16 (Defendant's Exhibit No. 30 was admitted into evidence.)
17 BY MS. GRANDE:

18 Q. Chaplain Stratton, at any time did you act in a manner
19 which you felt was discriminatory towards Rastafarians or
20 towards Inmate Wright?

21 A. No.

22 Q. Did you ever intend to prohibit him from being able to
23 practice his faith?

24 A. No.

25 Q. Did you have the ability to approve any accommodations

T. Stratton - Cross-Examination

1 such as feasts at Central Prison?

2 A. No.

3 Q. Did you take any other actions with regard to Mr. Wright
4 or the subject matter of why we're here today?

5 A. Help me with the question.

6 Q. Did you take any other actions, having any other
7 interactions with Mr. Wright other than what we've talked about
8 here today?

9 A. Oh, no.

10 MS. GRANDE: I don't have anything further, Your
11 Honor.

12 THE COURT: Cross-examination.

13 **CROSS-EXAMINATION**

14 **BY MS. MILES:**

15 Q. Ms. Stratton, are you a part of the Religious Services
16 Committee?

17 A. No.

18 Q. You stated that you did your own research on the
19 Rastafarian faith; is that correct?

20 A. Minimal, yes.

21 Q. Did your research include internet research?

22 A. Yes.

23 Q. Did it include looking through Rastafarian books?

24 A. Yes, a few.

25 Q. How about consulting with members of the faith?

T. Stratton - Cross-Examination

1 A. I didn't know anybody of the faith.

2 Q. Did your research include speaking with Ba Beta Kristiyan
3 Church of Haile Selassie I?

4 A. At think at one point Mr. Wright gave me a phone number to
5 try to get in touch with some church in New York, but I was
6 never able to connect with them.

7 Q. So you did try to contact the church?

8 A. I did.

9 Q. But you didn't speak with anyone from the church?

10 A. No.

11 Q. Did you report your findings to the research committee?

12 A. No, that's not -- I did that for educational purposes
13 really; but no, they've got -- they've got their committee that
14 does that, so...

15 Q. And defendant showed you -- counsel showed you Defendant's
16 Exhibit 26, which was a letter that you drafted, correct?

17 A. Uhm-uhm.

18 Q. And you said you didn't recall who you drafted that letter
19 for; is that correct?

20 A. Right.

21 Q. And that letter was not signed; is that correct?

22 A. Yes, it wouldn't have been if I drafted it. I would have
23 drafted it and sent it to whomever was going to send the letter
24 and they would have finished the signature.

25 Q. And the person whom you drafted it for did not sign that

T. Stratton - Cross-Examination

1 letter; is that correct?

2 A. I don't know. I don't know. I sent it to wherever I
3 guess I sent it, but I don't know who it was to.

4 Q. If I showed you that exhibit, would you be able to say
5 whether or not there's a signature on there?

6 A. Yeah. If there's a signature, yeah.

7 Q. Ms. Stratton, do you see a signature anywhere on that
8 letter?

9 A. No.

10 Q. So no one signed it, correct?

11 A. Well, they wouldn't have. If I drafted the letter, then I
12 would have drafted the letter and then taken it to whomever was
13 going to send it and they would have finished the signature in
14 their office or whatever.

15 Q. Once it was drafted, did you give the letter to
16 Mr. Wright?

17 A. No.

18 Q. Do you know if Mr. Wright received the letter?

19 A. No, I don't.

20 Q. So you don't know what happened with the letter after it
21 was drafted?

22 A. I have no recollection, no.

23 Q. Ms. Stratton, isn't it true that memoranda is issued for
24 the Jewish practitioners, Muslims, American Indian and
25 members -- those members to celebrate holy days with a meal?

T. Stratton - Cross-Examination

1 A. Yes.

2 Q. Isn't it true that these memoranda are a system-wide
3 policy?

4 A. Yes.

5 Q. Isn't it true that the Religious Practice Manual is a
6 system-wide policy?

7 A. Yes.

8 Q. Isn't it true that the Religious Practices Manual makes no
9 mention of a celebration of holy days with a meal for
10 Rastafarians?

11 A. That's right.

12 MS. MILES: No further questions.

13 THE COURT: Thank you.

14 Anything else, Ms. Grande?

15 MS. GRANDE: No, sir, Your Honor.

16 THE COURT: Thank you, ma'am. Please watch your step
17 stepping down.

18 MS. GRANDE: Your Honor, may Chaplain Stratton be
19 excused?

20 MS. MILES: No objection.

21 THE COURT: You may be excused.

22 Call your next witness.

23 MS. GRANDE: At this time I call Chaplain Brown.

24

25 BETTY BROWN,

B. Brown - Direct Examination

1 having been duly sworn, testified as follows:

3 THE COURT: Good afternoon, Chaplain.

4 THE WITNESS: Good afternoon.

5 THE COURT: You may examine the witness.

6 **DIRECT EXAMINATION**

7 **BY MS. GRANDE:**

8 Q. Chaplain Brown, can you please state your position and
9 where you work.

10 A. I'm the chaplaincy services director and I work for DPS
11 prisons at the Randall Building.

12 Q. And what is the purpose of your position?

13 A. Well, what I do is I supervise technically chaplains in
14 the field, meaning that I train them when they come on board, I
15 provide training throughout the year. I also work with
16 policies, work with the community, I do re-entry. I do a
17 variety of different things as the director of chaplaincy
18 services.

19 Q. Okay. And as the director of chaplaincy services, do you
20 develop -- when you say you develop policy, do you develop what
21 is included in the Religious Practices Manual?

22 A. Yes.

23 Q. I'm going to show you what's been marked as Exhibit No. 2.
24 Is this the Rastafarian portion of the Religious Services
25 Manual?

B. Brown - Direct Examination

1 A. Yes, it is.

2 Q. And were you responsible for putting this together?

3 A. Yes. I was responsible -- Rastafarian policy was already
4 in place when I was hired, but I am responsible for reviewing
5 it and updating it and making sure that it's reflective and
6 relevant.

7 Q. And when you did that, did you consult with any outside
8 experts or community resources regarding Rastafarians?

9 A. I did. Elder Group (phonetic) is the one that was
10 consulted earlier before I became the director of chaplaincy
11 services, but I consulted with Christopher Liontree, other
12 scholars from when I attended the ARA, so we have a prison
13 section there that scholars would come and talk to us about
14 various faith groups.

15 THE COURT: Ma'am, what's the ARA?

16 THE WITNESS: American Religion Academy.

17 BY MS. GRANDE:

18 Q. Okay. I'm going to show you what was marked Exhibit No.

19 7. Is some of this your correspondence with Mr. Liontree?

20 A. It is, yes.

21 Q. And where he sent recommendations?

22 A. Right, we was working on the --

23 MS. MILES: Objection, Your Honor. Hearsay.

24 THE COURT: Overruled.

25 The question goes to her state of mind as well. Go

B. Brown - Direct Examination

1 ahead. It'll be received.

2 BY MS. GRANDE:

3 Q. This is your handwriting on the document, "after reviewing
4 and talking"?

5 A. Yes.

6 Q. The most important dates are with a star, you included
7 that?

8 A. Yes.

9 Q. And anywhere in this information did Mr. Liontree tell you
10 or refer you that feast meals were required for Rastafarians?

11 A. No.

12 MS. GRANDE: Your Honor, we move Exhibits 2 and 7
13 into evidence at this time.

14 THE COURT: It'll be received.

15 (Defendant's Exhibit Nos. 2 and 7 were admitted into
16 evidence.)

17 BY MS. GRANDE:

18 Q. I'm going to show you what's been marked as Exhibit No. 8.

19 MS. MILES: Objection, Your Honor. Hearsay.

20 THE COURT: Well, your pretrial order had a relevance
21 objection so I'm not going to add to it. It's overruled. It's
22 relevant. It'll be received.

23 BY MS. GRANDE:

24 Q. Is this an e-mail that you sent to Mr. Liontree?

25 A. Yes.

B. Brown - Direct Examination

1 Q. Again, this is just a record of your consultation with him
2 about the dates and information included for the Rastafarian
3 policy?

4 A. Well, this is a letter that he sent to me affirming what
5 we had discussed, yes.

6 Q. Again, did he ever include any information about a feast
7 that was required for Rastafarian inmates?

8 A. No.

9 Q. I'm going to show you what's been marked as Exhibit No. 9.
10 Again, any information about inclusion of a religious feast?

11 A. No.

12 Q. Did you make some orders for materials for Rastafarian
13 inmates based upon Mr. Liontree's recommendations?

14 A. We did, yes.

15 Q. And here, is this a correspondence that you received from
16 Mr. Liontree?

17 A. Yes.

18 Q. Again, any mention of Rastafarian feast?

19 A. No.

20 MS. GRANDE: Your Honor, at this time I'd like to
21 move 8, 9 and 10 into evidence.

22 THE COURT: It'll be received.

23 (Defendant's Exhibit Nos. 8, 9 and 10 were admitted into
24 evidence.)

25 BY MS. GRANDE:

B. Brown - Direct Examination

1 Q. Chaplain Brown, prior to Inmate Wright, have you ever had
2 an inmate request feasts associated with the Rastafarian faith
3 by way of a DC-572?

4 A. Not to my knowledge, no.

5 Q. Had you ever received any correspondence from Mr. Severin
6 who testified here today?

7 A. Yes.

8 Q. Had you ever spoken with him?

9 A. Yes.

10 Q. All right. I'm going to show you what was marked as
11 Defendant's Exhibit No. 64. Does this have a stamp from your
12 office on it?

13 A. Yes.

14 Q. When does it indicate you received this correspondence?

15 A. Excuse me? I didn't hear you.

16 Q. When does it indicate you received this?

17 A. September the 10th.

18 Q. So after you received this letter from Chaplain Severin,
19 did you make contact with him?

20 A. No, I received a call.

21 Q. You received a call from him?

22 A. Yes.

23 Q. And what transpired during the conversation with
24 Mr. Severin?

25 A. Well, pretty much we had a conversation in regards to how

B. Brown - Direct Examination

1 we were not discriminating in North Carolina policies and as
2 regard to inmates he said that there was inmates, more than
3 plural sound, writing him and that they needed to be here in
4 North Carolina. And I told him, probably in a more
5 professional way, that we do not need his services here in
6 North Carolina; that our policy is different from New York.

7 Q. Did you get the impression that he was soliciting you for
8 a job or employment here in North Carolina?

9 A. I did.

10 Q. Did you leave the conversation with any impressions of
11 Mr. Severin?

12 A. Pushy. I thought he was pushy, for lack of a better word.
13 I'm just going to say pushy and not arrogant.

14 Q. Any impressions about your position or your -- anything
15 that left you feeling uncomfortable?

16 A. Well, I felt questioned being a female making the
17 decisions. I felt questioned, as if I was inadequate to do my
18 job.

19 Q. And did you alert anyone about the inquiry from
20 Mr. Severin?

21 A. I talked to my regional chaplains about it, at that time,
22 Chaplain Ackbar (phonetic) and Chaplain Mohammed.

23 Q. Did you notify his supervisor?

24 A. What I did was I called Mark, who was my colleague, my
25 counterpart in New York State and shared with him how I was

B. Brown - Direct Examination

1 offended that his chaplain, one of his Rastafarian chaplains
2 were calling to communicate with me in the manner that they did
3 and asked him to please, had to be on State time that he was
4 getting paid for, to refrain from calling me in regards to
5 North Carolina policies.

6 Q. And what did Mark communicate to you?

7 A. Mark said that he would take care of it and that was the
8 last of it.

9 MS. MILES: Objection, Your Honor. Hearsay.

10 THE COURT: Overruled.

11 MS. GRANDE: Your Honor, at this time I'd move
12 Exhibit No. 64 in evidence.

13 THE COURT: It'll be received.

14 (Defendant's Exhibit No. 64 was admitted into evidence.)

15 BY MS. GRANDE:

16 Q. As far as Exhibit 61, have you ever had any correspondence
17 from Abuna Foxe?

18 A. I have.

19 Q. Does this reflect the date that you received this
20 information from Mr. Foxe?

21 A. Yes.

22 Q. And what did you do with this letter; did you respond to
23 Mr. Foxe or have any conversations with Mr. Foxe?

24 A. I did not provide a written request back to Mr. Foxe. Mr.
25 Foxe called as well.

B. Brown - Direct Examination

1 Q. What was your conversation with him?

2 A. My conversation with Mr. Foxe was exactly the same with
3 him; that I do not desire to conversate; that I have consulted
4 other Rastafarian experts and practitioners and I thought that
5 our policy reflected the inmates here in North Carolina.

6 MS. GRANDE: At this time, Your Honor, I move Exhibit
7 No. 61 in evidence.

8 THE COURT: It'll be received.

9 (Defendant's Exhibit No. 61 was admitted into evidence.)

10 BY MS. GRANDE:

11 Q. Was it clear to you that Mr. Foxe was seeking employment
12 in North Carolina?

13 A. I think Mr. Foxe was trying to spread to North Carolina
14 his --

15 Q. His church?

16 A. His church, yes.

17 Q. I'm going to show you what's been marked as Defendant's
18 Exhibit No. 62. I have a paper copy.

19 MS. GRANDE: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MS. GRANDE:

22 Q. Did you ever inform the Religious Practices Committee of
23 your communications with Mr. Foxe?

24 A. I did.

25 Q. What is this document?

B. Brown - Direct Examination

1 A. These are the minutes from the Religious Practices
2 Committee.

3 Q. All right. And what does this indicate you communicated
4 to the Religious Practices Committee?

5 A. What does it indicate?

6 Q. Uhm-uhm, about Mr. Foxe.

7 A. Basically, that he had reached out and communicated with
8 me. He stated that he was the only authorized leader; that I
9 took the position that he was not the only authorized one and
10 shared that information with the committee, so they would be
11 knowledgeable because they go back into the facilities as well.

12 MS. GRANDE: Your Honor, at this time I would move
13 Exhibit No. 62 into evidence.

14 MS. MILES: Objection, Your Honor.

15 THE COURT: Overruled. It'll be received.

16 MS. LUECKING-SUNMAN: This wasn't provided to us and
17 it's not on the list of exhibits.

18 (Defendant's Exhibit No. 62 was admitted into evidence.)

19 MS. GRANDE: Your Honor, this is rebuttal information
20 from how -- what was communicated by their expert, Mr. Severin,
21 when I asked him questions about whether he or Mr. Foxe ever
22 sought employment in North Carolina.

23 MS. LUECKING-SUNMAN: So I think this could be used
24 as impeachment evidence, Your Honor, but...

25 THE COURT: I'll allow it as rebuttal. That's fine.

B. Brown - Direct Examination

1 I can assure you the case isn't going to turn on that. Go
2 ahead.

3 BY MS. GRANDE:

4 Q. Chaplain Brown, have you ever personally or intentionally
5 sought to deprive Inmate Wright of his ability to exercise his
6 Rastafarian faith?

7 A. No, ma'am.

8 Q. Have you ever reviewed any materials that support the
9 position that Rastafarians require feast meals for their holy
10 day exercises?

11 A. No, ma'am.

12 Q. Okay. Do you know of any sects of Rastafarianism that
13 require feast meals?

14 A. No.

15 Q. When you were developing policies or practices for
16 inclusion in the Religious Practices Manual and consulting with
17 individuals like Mr. Liontree, are you tailoring the policies
18 or practices to any one particular sect of a religious group?

19 A. No. What I believe in is because we have various
20 different sects in different faith groups, I've been trained to
21 take the middle of the road, what they have in common and
22 that's what we utilize and incorporate within our policy. Try
23 not to lean too far to the left and to the right.

24 When the expert testified from New York, he said it was
25 kind of -- what was the language -- broken up, that's because I

B. Brown - Direct Examination

1 didn't go all the way with the Niyabinghi and never went all
2 the way with the Bobo Beta. So in taking into consideration
3 that bringing together the commonality of the various sects.

4 Q. Is this true for other religious practices, not just the
5 Rastafarians?

6 A. All of them.

7 Q. For example, with the Islamic inmates, are there different
8 policies for Shias And Sunnis?

9 A. No, ma'am.

10 Q. For the Protestant inmates, are there different policies
11 for Baptists, Methodists, Presbyterians?

12 A. No, ma'am.

13 Q. Okay. In your opinion, did you develop a practices manual
14 based on the information that was given to you that was
15 sufficient or adequate to meet the needs of the Rastafarian
16 inmates?

17 A. I believe I did. I believe we did.

18 Q. Again, do you have the ability to implement changes to the
19 policies or the practices or are those required to be approved
20 by anybody else?

21 A. Any changes I have to send up the chain of command for
22 review.

23 Q. I'm going to show you what's been marked as Defendant's
24 Exhibit No. 22. Is this correspondence that you had with
25 Mr. Wright?

B. Brown - Direct Examination

1 A. Yes.

2 Q. Okay. And in this letter, did you deprive him of any
3 ability to practice his religion?

4 A. No.

5 Q. Okay.

6 MS. GRANDE: I'd like to move Exhibit 22 into
7 evidence.

8 THE COURT: It'll be received.

9 (Defendant's Exhibit No. 22 was admitted into evidence.)

10 BY MS. GRANDE:

11 Q. Exhibit No. 18, is this correspondence that you had with
12 Mr. Wright?

13 A. Yes.

14 Q. And did you, in this document, deprive Mr. Wright of any
15 ability to practice his religion?

16 A. No.

17 Q. Throughout these letters that we've looked at, what's the
18 gist, if you will, of the communication that you were having
19 with Mr. Wright?

20 A. Mr. Wright continued -- he was writing continually in
21 regards to the policy and I was affirming that our policy would
22 be followed and clarifying policy for him.

23 Q. Okay.

24 MS. GRANDE: Your Honor, at this time I move Exhibit
25 18 into evidence.

B. Brown - Direct Examination

1 THE COURT: It'll be received.

2 (Defendant's Exhibit No. 18 was admitted into evidence.)

3 BY MS. GRANDE:

4 Q. Exhibit 16, is this the same kind of communication again?

5 A. Yes.

6 Q. Any intent to deprive him of his religious practices?

7 A. Absolutely not.

8 MS. GRANDE: I move exhibit No. 16, into evidence,
9 Your Honor.

10 THE COURT: It'll be received.

11 (Defendant's Exhibit No. 16 was admitted into evidence.)

12 MS. GRANDE: I don't have anything further for
13 Chaplain Brown.

14 THE COURT: Cross-examination?

CROSS-EXAMINATION

16 BY MS. MILES:

17 Q. Miss Brown, do you authorize the Religious Practices
18 Manual?

19 A. No, I don't authorize it. I'm a part of the process of
20 working and putting it together.

21 Q. So you do have some say into what goes inside of the
22 policy, correct?

23 A. I do have some say in working with it and presenting it to
24 the chain of command.

25 Q. You stated that you -- you did your own research on the

B. Brown - Direct Examination

1 Rastafarian faith; is that correct?

2 A. That is correct.

3 Q. And you reached out to different resources, correct?

4 A. Correct.

5 Q. Did you specifically ask if Rastafarian holy days require
6 a feast or a meal when you were conducting your research?

7 A. That was the constant question that was asked.

8 Q. And you talked that you researched or spoke with the
9 members of the Ba Beta Kristiyan Church of Haile Selassie,
10 correct?

11 A. I did.

12 Q. And that was Mr. Severin and Abuna Foxe, correct?

13 A. Correct.

14 Q. Outside of your alleged conversations with those two
15 individuals, did you speak with any other members of the Ba
16 Beta Kristiyan Church of Haile Selassie?

17 A. No.

18 Q. Do you think that speaking with individuals from that
19 church is important to understanding whether or not
20 Mr. Wright's celebrates holy days with a meal?

21 A. I think I -- well, let me say it like this: Because we
22 are inclusive, I took the middle of the road. Anything that's
23 going so far to the left and so far to the right, then no.

24 Q. So you don't believe that you should have reached out to
25 members of that faith in order to determine --

C. Joyner - Direct Examination

1 A. I've already talked to two of the hierarchies.

2 Q. And did you ask them whether or not holy days are
3 celebrated with a meal?

4 A. No, I didn't. They had already shared that, if you look
5 at the correspondence.

6 Q. Isn't it true that you specifically sought out information
7 that supported your position?

8 A. No, that's not true.

9 MS. MILES: I have no other questions, Your Honor.

10 THE COURT: Anything else?

11 MS. GRANDE: No, Your Honor.

12 THE COURT: Thank you, ma'am. Please watch your step
13 stepping down.

14 You may call your next witness.

15 MS. GRANDE: Your Honor, at this time I would call
16 Deputy Director Joyner to the stand.

17

18 CARLTON JOYNER,

19 having been duly sworn, testified as follows:

20

21 THE COURT: You may examine the witness.

22 DIRECT EXAMINATION

23 BY MS. GRANDE:

24 Q. Mr. Joyner, could you tell us what your position is and
25 where you work.

C. Joyner - Direct Examination

1 A. My position is deputy director of prisons. I work in
2 prison administration.

3 Q. And what are some of your responsibilities as deputy
4 director of prisons?

5 A. I currently oversee the chaplaincy section, I oversee the
6 classification section, diagnostic information technology, MIS
7 and population management.

8 Q. And some of your responsibilities, I guess, entail
9 programs or auxiliary services that are provided to inmates?

10 A. Yes, they do.

11 Q. And what are some of those responsibilities that -- in
12 regards to your supervision of that area of inmate life?

13 A. A few things. One is I review policies on those areas. I
14 work with the director on making sure that those areas are
15 running in accord with our policies. We manage the sections.

16 The classification piece, we make sure we have appropriate
17 classification procedure in place to put offenders in a proper
18 custody level and housing level.

19 When it comes to population management, we make sure that
20 we have offenders transfer to facilities that are appropriate
21 for them to be transferred to.

22 With the IT section, we run the IT capabilities for the
23 Randall Building so they do all the IT work of the building.
24 We do training of staff when it relates to OPUS, our computer
25 system, so the training is done by our staff.

C. Joyner - Direct Examination

1 We also do fingerprint identification to make sure the
2 people we have in our system are the appropriate people.

3 Q. Okay. At sometime prior to being a deputy director, did
4 you work at Central Prison?

5 A. I did.

6 Q. What was your position at Central Prison?

7 A. I actually worked there twice. I've had about four
8 positions. In my first employment at Central Prison I was a
9 correctional officer, I was a Program Assistant 1 and Program
10 Assistant 2. My last tenure at Central Prison I was the warden
11 at Central Prison.

12 Q. During the period of 2013, 2014 were you the warden at
13 Central Prison?

14 A. I was.

15 Q. When you were a warden at Central Prison, did you ever
16 meet with or speak to plaintiff, Mr. Wright, that you recall?

17 A. I think we had some general conversations, but nothing I
18 can remember in particular. Just basic general conversation.

19 Q. Okay. Do you ever recall, did you ever intentionally
20 deprive him of his ability to practice his religion?

21 A. No.

22 Q. Do you ever recall any conversations with him about his
23 religion?

24 A. Not specifically I don't.

25 Q. Okay. At Central Prison would you say there are a lot or

C. Joyner - Direct Examination

1 not a lot of programs for inmates?

2 A. A lot.

3 Q. What about religious services?

4 A. There are a lot.

5 Q. Okay. What kind of considerations have to be taken into
6 place for the orchestration of programs and religious services
7 at Central Prison?

8 A. Staffing, for one. We have to look at space, have to have
9 activities -- space is limited. Central Prison, there's a
10 tremendous number of activities going on, so you have to -- you
11 saw the calendar earlier, so you have to share the space, so
12 you got to juggle spaces around to have programming or
13 religious activities in space.

14 Another thing we have to take into consideration also is
15 the security of the facility, and that's got to do with making
16 sure we have coverage to maintain active security while we also
17 do programs and religious activities.

18 Q. In other words, when a custody officer is assigned to
19 monitor a religious service, where is that custody officer
20 pulled from?

21 A. Generally, they are going to be pulled from operations.

22 Q. And operations is responsible for what other coverage
23 areas in Central Prison?

24 A. They cover food service, oftentimes they may have to go
25 out and cover the hospital, they cover towers and outside

C. Joyner - Direct Examination

1 perimeters of the facility. So other areas other than an
2 actual dorm or housing area.

3 Q. Do they also cover movement of inmates within the facility
4 or can they be shifted to cover particular units that are --

5 A. They are shifted to any location where there's a need.

6 Q. And when the number of operations officers is depleted, is
7 there sufficient staffing within Central Prison to replenish
8 that?

9 A. No.

10 Q. So it would leave the institution at a potential security
11 risk not having sufficient coverage?

12 A. Yes.

13 Q. Okay. As far as staffing for religious services, how many
14 chaplains are generally assigned to cover any one particular
15 religious service?

16 A. One chaplain per service.

17 Q. And how many chaplains in total are there?

18 A. There are three full-time chaplains at Central Prison.

19 Q. And as far as program staff, are they ever assigned to
20 cover religious services as well?

21 A. They are.

22 Q. Okay. As far as not only the security but the financial,
23 the cost, is there a cost associated with employing chaplains,
24 program staff and custody to supervise religious services?

25 A. Yes, there is. The hours that they are in those services

C. Joyner - Direct Examination

1 are hours that we got to calculate as part of their salary.

2 Q. What about any overtime hours that chaplains or custody
3 staff may work because of staff shortages?

4 A. Then they would -- they would get overtime for those hours
5 so it would increase the liability to the department.

6 Q. Okay. Would additional hours such as hours we discussed
7 in, for example, food services, preparing Eid al-Adha meals, is
8 that an additional cost?

9 A. It is. It would be.

10 Q. For logistical purposes, are there many windows in the
11 chow hall of open periods of time that are not being used by
12 other inmates in food service?

13 A. In the dining hall -- after the last meal in the evening
14 generally be pretty much the only time that it not being used
15 by the staff or the dining hall doing anything, it would be
16 after hours.

17 Q. In other words, if you're -- for the Green Corn
18 celebration, if they are going to celebrate in the dining hall,
19 as has been testified to, is it difficult or is it easy to find
20 an empty hour in the dining hall to accommodate that group
21 dining?

22 A. If it was in the daytime, it would be extremely difficult;
23 but by it being in the evening, it makes it a little easier to
24 get the time, but it also means that you going to have staff,
25 like food service staff that are going to be working overtime

C. Joyner - Direct Examination

1 to make the meal happen.

2 Q. And again, on average, could you speculate as to how much
3 per hour per staff member you would be paying?

4 A. Central Prison, correction officer's salary is about
5 36,000. Probably somewhere around the ballpark of \$20 per
6 hour.

7 Q. For program staff or chaplains, would that number be
8 higher or lower?

9 A. Chaplains it would be higher.

10 Q. How much would you speculate per hour for them?

11 A. Ballpark figure, probably 25, 30 bucks.

12 Q. Okay. Food services staff?

13 A. Depends on the level of the position. If it was a
14 supervision -- or Supervision 1 or Supervision 2 it would
15 probably be in the general vicinity of the chaplain.

16 Q. So if Central Prison were to undertake having an
17 additional feast or additional 47 feasts for Rastafarian per
18 year, would those accommodations only be to inmates at Central
19 Prison or how would those accommodations or changes be put in
20 place?

21 A. No, we would have to make that a meal at all facilities
22 around the state.

23 Q. And how many facilities are there?

24 A. Fifty-five.

25 Q. And approximately how many Rastafarian inmates does DPS or

C. Joyner - Direct Examination

1 prisons house?

2 A. I think the last time I looked we had about 2800.

3 Q. Okay. So would you say the cost associated with the
4 additional feast, given there is 2800 inmates, would that be a
5 significant cost or insignificant cost?

6 A. Significant.

7 Q. Are there any other security concerns associated with
8 inmate gatherings such as communal feasts?

9 A. Couple things. I have seen -- actually say heard of --
10 instances where we've had meals of that nature where there have
11 been some disruptions. Couple instances where I heard issues
12 where we had fights occurring at the situations, at the meals.

13 Another issue is we talked about -- you heard Chaplain
14 Stratton say we used to allow food come in from family members
15 and some issues with preparation and -- not just preparation,
16 another issue, and this also comes into play when we talk about
17 having food brought in from vendors, is the issue of the
18 possible introduction of contraband into a prison facility.

19 Q. Is there an administrative burden associated with the
20 planning of these feasts and these celebrations?

21 A. There is because you've got -- one, you've got to make
22 sure you've got adequate staff. You got to make sure you've
23 got the space. You got to make sure you got -- if you don't
24 have volunteers or members of the religious faith community
25 bringing in stuff, that you as a facility have enough food

C. Joyner - Direct Examination

1 prepared to amply feed the people in the group, so, yes, it's a
2 big undertaking on the administrative level.

3 Q. Okay. In your experience at Central Prison, were inmates
4 using -- for example, were inmates using a Zakat fund to
5 purchase religious meals for Islamic inmates?

6 A. Yes.

7 Q. Is the Zakat, to your knowledge, a tenet of the Islamic
8 faith?

9 A. To my knowledge, I'm not sure.

10 Q. Are inmates permitted to go out and fundraise for any
11 purpose or desire that they want?

12 A. No.

13 Q. Does that sort of fundraising have to be monitored or
14 administered by someone?

15 A. It does.

16 Q. Okay. Would that be an additional administrative burden?

17 A. Yes.

18 Q. Did you previously give a -- provide an affidavit in this
19 case; do you recall?

20 A. I did.

21 Q. Just for refreshment purposes, I'd like to show you what's
22 been marked as Exhibit No. 41.

23 Do you recall whether you were able to reach a final
24 calculation or figure regarding the proposed cost of adding the
25 meals requested by Inmate Wright?

C. Joyner - Direct Examination

1 A. I think I did.

2 Q. Okay. Would it assist you in any way if I were to show
3 you your affidavit?

4 A. Yes.

5 Q. Okay. Is this your supplemental affidavit?

6 A. It is.

7 Q. I'm going to scroll to some figures here. Here in these
8 paragraphs do you indicate how many services occur at Central
9 Prison every week.

10 A. I do.

11 Q. And how many is that?

12 A. At least 27 programs with five to seven programs per day
13 on Monday through Thursday for inmates at Central Prison.

14 Q. In paragraph 18, do you indicate how much that's costing
15 Central Prison solely for staffing cost?

16 A. Central Prison, DPS, expends approximately \$1,750 per week
17 in just staffing costs for religious services.

18 Q. Okay. In paragraph 20, do you calculate what the per week
19 spending by DPS is for staffing on religious services?

20 A. I do.

21 Q. What's that figure?

22 A. That amount is approximately \$98,000.

23 Q. And in paragraph 30, do you calculate how much the
24 approximate cost of adding the additional means requested by
25 Inmate Wright, what expense that would be to the Department of

C. Joyner - Cross-Examination

1 Public Safety?

2 A. I do.

3 Q. How much is that?

4 A. \$587,193.60.

5 MS. GRANDE: I don't have anything further for
6 Mr. Joyner.

7 THE COURT: Cross-examination.

CROSS-EXAMINATION

8 BY MS. MILES:

9 Q. Mr. Joyner, that amount you just mentioned, the 587, can
10 you break down how you arrived at that cost?

11 A. Well, looked at the total number of Rastafarian inmates,
12 which at that particular time was 3,084, we looked at the cost
13 that was generated for staff to manage one of those events and
14 multiplied it by the number of events and the number of inmates
15 participating in the event.

16 Q. Mr. Joyner, isn't it true that each facility had a system
17 in place that identifies what religious group an inmate is a
18 part of?

19 A. When you say each place, what do you mean?

20 Q. Each facility, DPS facility.

21 A. The agency itself has a policy in place on how we
22 identify -- which group it identifies with.

23 Q. Does it say Central Prison has a system in place that
24 identifies what inmate -- what religion an inmate is a part of?

C. Joyner - Cross-Examination

1 A. Does Central Prison?

2 Q. Yes.

3 A. Yes.

4 Q. Isn't it true that each facility, DPS facility also has a
5 system in place that designates whether an inmate is affiliated
6 with a gang?

7 A. That's an agency-wide policy as well.

8 Q. So each facility is capable of knowing both what religious
9 group an inmate is a part of and whether or not they are gang
10 affiliated?

11 A. True.

12 Q. Isn't it true that inmates are not permitted to attend
13 programs or religious group services if they are on restrictive
14 housing or designated as a safe keeper?

15 A. Yes.

16 Q. Is that outlined in DPS's Religious Services Policy and
17 Procedures?

18 A. I think it's in the policy where it relates to attending
19 feasts for holy days, but I don't think it's in the policy --
20 the reason they can't attend it is because they are on
21 restrictive housing, and those events are attended by inmates
22 in the general population.

23 Q. And each facility, prison facility, closely monitors gang
24 activity, correct?

25 A. Yes.

C. Joyner - Cross-Examination

1 Q. They are trained in knowing how to deal with the inmate
2 population; is that correct?

3 A. Yes.

4 Q. So would it be safe to say that a trained officer would be
5 able to respond appropriately to any gang activity?

6 A. Not necessarily.

7 Q. Would they be able to respond to gang activity?

8 A. You say any gang activity?

9 Q. Yes.

10 A. I wouldn't necessarily say "any."

11 Q. Would it be safe to say that an inmate engaging in any
12 kind of gang activity would have received a disciplinary
13 infraction if it was known?

14 A. Yes.

15 Q. Are you familiar with the memoranda issued for the
16 Muslims, American Indians, Jewish practitioners and Moorish
17 Science Temple of American practitioners regarding the
18 celebration of holy days?

19 A. Yes.

20 Q. Isn't it true that the prison is aware in advance based
21 off of memoranda issue of staffing needs and concerns?

22 A. Not necessarily. And the reason we're not is, one, we
23 know there's going to be an event, but you don't really know
24 how many staff you're going to need until you know how many
25 people are going to participate in the event.

C. Joyner - Cross-Examination

1 Q. But the officers aren't -- officers are planned ahead in
2 whether or not they are going to cover a particular event; is
3 that correct?

4 A. The plans formulated to have staff coverage, correct.

5 Q. So they are not being pulled away from their post at the
6 last minute; is that correct?

7 A. Not necessarily. Say if we got an event going on tonight,
8 we may have planned for four staff members, four custody staff
9 members to cover this event and one of the housing areas or one
10 of the units, we might have call-ins from four or five
11 different people and we got to juggle staff around to make sure
12 that housing area is covered.

13 Q. But there is somewhat of a plan in place for what staff
14 member is going to be at a specific program or religious feast;
15 is that correct?

16 A. From the chaplaincy services, the program staff, but not
17 per se from custody staff.

18 Q. And isn't it true that DPS does, in fact, have in place
19 these policies that allow inmates in particular faiths to
20 celebrate holy days with a meal?

21 A. Yes.

22 Q. And DPS's policies allow for these religious groups to
23 purchase food, correct?

24 A. Allow the groups to purchase food?

25 Q. Yes. Using inmate funding or the Zakat fund; that is part

C. Joyner - Cross-Examination

1 of the policy, correct?

2 A. Islamic inmates that use the Zakat fund.

3 Q. And could, say, members of the American Indian use the
4 inmate funds to purchase food?

5 A. Technically they're not supposed to.

6 Q. But it's a part of policy?

7 A. For them to use their funds, it's not.

8 Q. Would it be safe to say that because DPS already has
9 policies in place for other religious groups to celebrate holy
10 days with a meal, they would also be able to allow the same
11 policies for Mr. Wright and other Rastafarians to celebrate
12 holy days with a meal?

13 A. Would it be safe to say that? I think the reason that it
14 would not be safe to say that is that we sort of -- we draw the
15 line on a couple things, and I guess the main thing is for us
16 to say we're going to provide a meal and have a policy for
17 every faith group is that that particular meal has to be a
18 tenet of the faith.

19 Q. But they could allow for Mr. Wright and Rastafarians, if
20 it's a tenet of his faith, to celebrate holy days with a meal
21 similar to the other religious groups?

22 A. If it was a tenet of the faith, yes.

23 Q. Isn't it true that the food service staff are inmates?

24 A. No. The food service staff -- inmates work in the
25 kitchen, but food service staff are actually food service

C. Joyner - Redirect Examination

1 officers or food service supervisors or food service managers
2 which are DPS staff.

3 Q. Okay. And are you aware of any alternatives that
4 Mr. Wright has suggested in purchasing food for the celebration
5 of Rastafarian holy days?

6 A. No.

7 Q. You mentioned that there's logistical and security and
8 cost concerns, correct?

9 A. Uhm-uhm.

10 Q. Despite the logistical challenges, cost and security
11 concerns as you mentioned, DPS still allows religious meals for
12 Muslims, Jews, American Indians, correct?

13 A. We do.

14 MS. MILES: No further questions.

15 THE COURT: Anything else, Ms. Grande?

16 **REDIRECT EXAMINATION**

17 **BY MS. GRANDE:**

18 Q. Is it your understanding of the Muslims, the American
19 Indians, the MSTAs, the Jewish, that those meals are a
20 requirement by the tenet of their faith?

21 A. Yes.

22 Q. Approximately how many faith groups would you say DPS
23 recognizes?

24 A. 15, 20.

25 Q. Okay. So of those 15 or 20, only four faith groups get

C. Joyner - Redirect Examination

1 meals?

2 A. Yes.

3 Q. The other remaining 10 or 15 don't get meals, correct?

4 A. Correct.

5 Q. And would allowing Rastafarians to receive meals when it's
6 not required by a tenet of their faith have an effect on the
7 remaining inmate faith groups?

8 A. Yes.

9 Q. What would that be?

10 A. It would cause those groups to seek to obtain the same
11 result, to have a meal for their faith group as well.

12 Q. So groups such as the Wiccans, the Satanists, the Asatru,
13 the Hebrew Israelites, they could then come and request meals
14 as well?

15 A. Correct.

16 Q. Are inmates in restrictive housing provided feast meals
17 separately from the communal meal?

18 A. No.

19 Q. Okay. Are STG inmates forbidden from going to communal or
20 congregate services?

21 A. No.

22 Q. Can STG be housed in general population?

23 A. Yes.

24 THE COURT: What is STG?

25 THE WITNESS: Security Threat Group.

C. Joyner - Redirect Examination

1 BY MS. GRANDE:

2 Q. Gang affiliation, in other words, correct?

3 A. Correct.

4 Q. If a gang-affiliated inmate is permitted to go to
5 corporate services, could that potentially pose a security
6 risk?

7 A. It's possible.

8 Q. And again, inmates -- are inmates -- inmates with that
9 gang affiliation are not excluded from religious services?

10 A. No.

11 Q. Okay. In addition to the staffing, the logistics, the
12 administrative costs -- the costs and the security, can you
13 think of any other burdens or difficulties that there would be
14 associated with implementing this number of feasts for this
15 number of holidays and this number of inmates?

16 A. I think you pretty much hit on them all; the staffing
17 requirements, the time, the preparation, just changes operation
18 a good amount, makes it -- puts some strain on the operation.
19 The more you add, the more you strain the operation.

20 Q. It would have an overall effect of the operations of the
21 prison?

22 A. Right.

23 MS. GRANDE: I don't have anything further.

24 THE COURT: Any recross?

25 MS. MILES: No, Your Honor.

K. Lassiter - Direct Examination

1 THE COURT: Any other witnesses?

2 MS. GRANDE: It'll be Mr. Lassiter, Director
3 Lassiter, and he'll be the final witness, Your Honor.

4 THE COURT: Come up and be sworn, sir.

5
6 **KENNETH LASSITER,**

7 having been duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. GRANDE:**

10 Q. Director Lassiter, can you state your position and where
11 you're employed at.

12 A. Kenneth Lassiter, Director of Prisons. I'm employed at
13 Division Headquarters here in Raleigh.

14 Q. Were you ever employed at Central Prison?

15 A. Yes, I was the warden of Central Prison.

16 Q. For how many years?

17 A. Nineteen months.

18 Q. When you were at Central Prison, do you ever recall
19 interacting or having any conversations or meetings with the
20 plaintiff?

21 A. Most likely, because I interact with all inmates, but I
22 think he was working around when I was there so I would have
23 had a conversation with Mr. Wright.

24 Q. Do you ever recall any specific requests or interactions
25 that he made of you or about his religious practices?

K. Lassiter - Direct Examination

1 A. Not anything specific, no.

2 Q. Okay. To your knowledge, did you ever intentionally
3 deprive or impede Mr. Wright's ability to exercise his
4 religious practices?

5 A. I never did.

6 Q. Okay. In other words, did you ever take away any of his
7 religious belongings?

8 A. No, ma'am.

9 Q. Okay. So no direct interaction with him that you recall?

10 A. No, ma'am.

11 Q. Okay. Are inmates at Central Prison who are not members
12 of one of the four groups we've talked about, MSTAs, American
13 Indian, Islamic or Jewish, permitted to receive special
14 religious meals?

15 A. No, ma'am.

16 Q. Are there any burdens or concerns that you would have with
17 the implementation of the additional feasts requested by
18 Mr. Wright?

19 A. None with the exception of maybe -- along with what Deputy
20 Director Joyner said, the volume of what it would require
21 because of the number of holidays listed. And the only truly
22 deciding factor of all of this is the fact that through
23 chaplaincy services and everyone we have to do research if it's
24 not a tenet of the faith.

25 We do take into effect the security aspect of it and the

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1 cost of any activity. If it was a true tenet of the faith, we
2 would adhere to it. Based on what we're getting, it's not a
3 true tenet of the faith.

4 Chaplain Brown said in her testimony, between the two
5 fashions of Islam, we don't do something separate for them. We
6 have several versions of Christianity that is inside of our
7 prisons, we don't do anything separate for them. Christianity
8 being the largest religion we have in prison, they don't have a
9 feast for any of the groups.

10 So we don't intentionally not give someone the ability to
11 worship in the way they desire to, that's why we do allow the
12 corporate worship for the Rastafarians. But we do not separate
13 based on the fact of one person or one group fashion for what
14 it is for them to be able to do something specific. Not just
15 as relates to meals or a feast or whatever you want to clarify
16 that.

17 We want inmates to participate in their religious
18 functions as an agency. When an inmate participates in the
19 functions, he or she is more likely to be more disciplined as
20 the expert said, so we want that. But we can't allow just
21 anyone to come up with a fashion of religion and say this is
22 what I want.

23 We follow the rules of the American Correctional
24 Association and RLUIPA laws and we tend to make sure we are in
25 the middle of the road, as Chaplain Brown expressed, in

K. Lassiter - Direct Examination

1 reference to looking around what our neighboring states are
2 doing. So we are not not doing it simply because of the volume
3 of money, we do take that in effect, but the true element of
4 why is because it is not considered a tenet of the faith.

5 Q. So that, for example, with the MSTAs, the American
6 Indians, the Islamic and the Jewish, that's why they are
7 permitted to have a feast is because it's a tenet of their
8 faith, correct?

9 A. Yes. When the religious document is -- when an inmate
10 requests some changes to be made in reference with religious
11 practice, it is researched and if it's just for a different
12 color headband or something different for the Native Americans,
13 it is researched why they need it and what impact does it have
14 on the person's ability to worship the faith in the correct
15 matter. If it's going to have an adverse effect on it or it's
16 not a tenet of the faith, then we don't approve it.

17 Q. During the course of this litigation has it been brought
18 to your attention, maybe some discrepancies or modifications
19 that may need to be made with regard to other aspects of the
20 Rastafarians practices as highlighted by Dr. Price, for
21 example?

22 A. Yes. One of the things that stood out to me, and I made a
23 note and I passed it to Mr. Joyner over there, was in reference
24 to the drums. As relates to the drums, we say volunteers. But
25 I heard in this room that we don't have volunteers for -- that

K. Lassiter - Direct Examination

1 many volunteers for Rastafarian services. So we do have a
2 welfare fund that we're able to purchase religious equipment
3 out of so we will be purchasing drums and adding it to the
4 policy for to be used by all Rastafarians regardless of what's
5 said because of the expert witness, Mr. Price.

6 Q. In other words, drums were already approved, but they were
7 only approved for volunteers to use or bring in.

8 Now because of the lack of volunteers you discovered, they
9 will be permitted and provided by the prison?

10 A. Yes.

11 Q. And as far as the holy days or holidays and any
12 modification of -- of the specific days that are permitted, are
13 the recommendations from Dr. Price going to be taken under
14 advisement?

15 A. Yes. Chaplain Brown does a marvelous job of bringing
16 things to the forefront. The trends that change often in
17 religion. We do annual reviews of our policies. Upon our
18 annual review, we will take into consideration any experts that
19 says this is now what is now going on that you need to be
20 looking into that relate to any specific religion.

21 So yes, I did make two notes. You mentioned the drawings
22 and also about the fact that there is some discrepancies in the
23 way our policy is written in reference to how many days is
24 documented. Even down to I think some exhibits showed back
25 before I was the director, when we sent out the memo we would

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1 just duplicate the back page of the memo. We really didn't
2 have any separation between the two. That's why we see a
3 difference I think maybe in 2016 when Zakat was removed because
4 we realized that we don't use that but for one religion. So
5 that would be attached to Islamic but not to Green Corn or
6 others because they're not authorized to use it because they
7 don't have Zakat accounts.

8 Q. So you're saying, in other words, previous mention of
9 Zakat for American Indians, that was just incorrect where it
10 had been borrowed from an Islamic memorandum?

11 A. No. The back page of that memoranda, I'm not sure what
12 exhibit it is, is standard for all of the memos. It's pretty
13 much here's what -- it's a breakdown.

14 Part of what we do is -- to try to be uniform is the
15 director's office issues the dates and time, and Islam is
16 important with sunrise and sunset so we have our people to make
17 sure that we're looking at when the sun is going to rise and
18 set and make sure we write the policy around that.

19 That is the only reason the memo is written, to get
20 specific dates. The Religious Manual should already determine
21 what is authorized to do. We give the dates and procedure.
22 Sometimes we saw the P card, that's a purchasing card and
23 sometimes we have funds for religious service that we can use
24 to purchase some of the things to help the inmates participate
25 in their religious services. So that's the only purpose of

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1 that director's memo.

2 It's for all facilities, but it's just to give specific
3 instructions on how to carry out this year.

4 Q. It's only for religions that prisons or chaplaincy
5 services are of the understanding and belief that those are
6 required practices for those faith practices?

7 A. Yes, ma'am.

8 Q. You heard Deputy Director Joyner testify about the
9 potential expense and the logistical and staffing concerns
10 associated with the implementation of this number of feasts for
11 inmates.

12 Do you have any additional concerns? I believe you said
13 the operations and the volume. Would there be a way -- I guess
14 what I'm trying to get at is would there be a way to whittle
15 down or reduce the number of inmates who were permitted to
16 participate in the religious feasts or religious holidays?

17 A. No, because if we do the research and it says it's a tenet
18 of the faith, then the volume is irrelevant to us in one way
19 and we would have to figure out how to accommodate between
20 volunteers and between what we can do and what we are
21 authorized to do with religious funds.

22 The other concerns that I would have strictly around the
23 Security Threat Group or the STG that Mr. Joyner mentioned.
24 Security threat activity right now in prison is the highest
25 it's ever been in the State of North Carolina. So any function

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1 that we're doing, whatever function we're doing with regard to
2 religious services, we have to try to account for that.

3 The sheer volume of inmates participating isn't known to
4 the officer in charge until the day of the event, the inmates
5 show up and because of -- Rastafarian, I'll use them as an
6 example because of the number -- Central Prison alone you may
7 have 65 inmates that are designated Rastafarian. Well, you
8 can't say you can't come because you haven't participated. So
9 we wouldn't know how many to plan for. And that happens now
10 with Islamic inmates.

11 Fortunately, we developed some programs where you have to
12 sign up and prove that you're fasting at the time for Islamic
13 inmates to be required for the feast.

14 It would be a logistical -- a lot of work behind the
15 scenes to be able to make it happen. Not using the excuse that
16 it couldn't happen because we're required to do it, we can make
17 it happen, but back to keep saying this, it's not required as a
18 tenet of the faith so that's why we're sitting here today is
19 because of that.

20 Q. What about concerns about contraband, do you have any
21 additional concerns?

22 A. Any time we allow volunteers in or we allow food items to
23 come in, there's a high risk of contraband into the facility,
24 yes, ma'am. That's why we went away from people being allowed
25 to bring food in themselves. That's why you heard several of

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1 the people give testimony about vendors because we know if you
2 go to K Mart -- KFC or one of those places, more likely you
3 don't have time to put contraband inside of the food.

4 Q. Now, have you ever personally observed contraband within
5 religious items?

6 A. Oh, yes. Headgear, Bibles, we're constantly getting cell
7 phones out of Bibles that have been hollowed out. We
8 constantly find them in crowns. You name it, they'll use it.
9 And Native American bags, prayer bags. It's prevalent. It's
10 not just one religious groups; it's all groups have people in
11 faith, just like on the streets, will abuse it and find out
12 ways to manipulate the system.

13 Q. Do inmates use religion to try to manipulate or to -- for
14 nefarious purposes, in your experience?

15 A. A great deal. Some of our biggest concerns with any
16 religious gathering is gang activity as to whether it's a
17 meeting point.

18 Let's use Central Prison as an example. Most of the
19 inmates at Central Prison never come in contact with each other
20 except for during religious services. Unless they are in the
21 same housing unit, they never come in contact. But when you do
22 religious service, because of the volume that Chaplain Speer
23 showed, there is so many that we couldn't break it down.
24 Central Prison has seven units -- six, building a seventh one.
25 If you break it down by unit, you couldn't do it. So that's

K. Lassiter - Cross-Examination

1 the only time that population comes together is at religious
2 services. And that's across the board at other facilities.

3 Q. In other words, that would be their only opportunity to
4 communicate with inmates from another unit?

5 A. Yes. We have intelligence to show where inmates showing
6 Kosher, Kosher meals because we don't offer that at every
7 facility. So gang members will declare they are Kosher to move
8 from facility to facility and meet with other people and talk
9 about what type of activity they are going to carry out and
10 then change their designation for their meal and are no longer
11 Kosher inmates.

12 Q. Is there anything preventing inmates who are of the same
13 religious faith practice and on the same housing unit from
14 eating together in the chow hall?

15 A. No, ma'am.

16 MS. GRANDE: I don't have anything further.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MS. MILES:

20 Q. Mr. Lassiter, correct me if I'm wrong. For the Muslim
21 inmates, did you say that they have to sign up to go to the
22 meals or to say they were celebrating or observing Ramadan?

23 A. Yes.

24 Q. So --

25 A. Let me rephrase that. When I was at Central Prison they

K. Lassiter - Cross-Examination

1 had to sign up. That could have changed. The Religious Manual
2 gives us the state-wide policy on how we will address religious
3 issues and how inmates will participate, but the superintendent
4 at each one has some flexibility to allow certain things to
5 happen at their prison on rare occasions.

6 So there may be some superintendents that say I don't have
7 three or four inmates designated as Islam, so I don't have to
8 put out a list. The larger facilities, we have some facilities
9 18 people strong, so they need to know who is actually
10 participating because they have to call you from the individual
11 units. So the list is not just to say you are participating,
12 it's a security measure so we know to go to Unit 1 to get two
13 inmates, not Unit 1 because it's lockup, but go to Unit 2 to
14 get two inmates, go to Unit 3, so it helps us logistically,
15 that log.

16 Q. Is it possible that all the facilities could still issue
17 this program where an inmate would have to sign up to say
18 they're observing; for instance, the Muslims observing Ramadan
19 or if Mr. Wright was able to get to celebrate holy days, the
20 Rastafarian are observing this holy day, so they should be able
21 to participate?

22 A. Yes, ma'am.

23 Q. Are there procedures in place that also screen for
24 contraband, existing procedures?

25 A. Rephrase your question. I'm sorry.

K. Lassiter - Cross-Examination

1 Q. Are there existing procedures in place that screen for
2 contraband?

3 A. Yes, ma'am.

4 Q. So there's already policies and procedures in place that
5 would allow for the security concerns that you mentioned to be
6 somewhat prevented; is that correct?

7 A. I wouldn't say prevented. Other measures in place now for
8 existing practices, yes, if we were to change or add an
9 additional unit or additional practice, we would have to change
10 policy, yes. Could it be done? Yes.

11 Q. And you mentioned that there were some inconsistencies
12 with DPS's policy that you noted while Dr. Price was
13 testifying; is that correct?

14 A. Yes, ma'am.

15 Q. And Dr. Price stated that communal celebrations for
16 Rastafarians are important; isn't that correct?

17 A. He said what again?

18 Q. Dr. Price stated that communal celebrations are important
19 to the Rastafarian faith; isn't that correct?

20 A. I didn't hear him say that.

21 Q. I have one last question for you, Mr. Lassiter. If
22 Mr. Wright is allowed to gather communally with other
23 Rastafarians and is provided the regular food tray, isn't it
24 true that the only expenditure that DPS would have to pay for
25 is the staffing?

K. Lassiter - Redirect Examination

1 A. If he's allowed to gather and eat regular food what would
2 the additional cost be? Staffing, yes.

3 MS. MILES: No further questions.

4 THE COURT: Thank you.

5 Anything else?

6 **REDIRECT EXAMINATION**

7 **BY MS. GRANDE:**

8 Q. Would there also be a logistical burden associated with
9 gathering and eating a communal meal even if they were eating a
10 regular tray?

11 A. Yes, depending upon what custody level the individual is,
12 what facility they are housed in. All facilities are
13 different. If Mr. Wright is allowed to do this, then we have
14 to do this for all 36,582 inmates.

15 Q. And there would be an administrative burden at each
16 facility to plan these meals, correct?

17 A. Yes, ma'am.

18 Q. And there would be logistical difficulties in securing
19 times and places and locations for the meals, correct?

20 A. Our dining halls, Mr. Joyner referenced to, we have a
21 scheduled feeding and counting, two of the longest things we do
22 inside of the facility, two of the most important things we do
23 and our staff generally leaves from the dining hall around
24 6:30, 7:00 o'clock, depending upon the size of the facility.
25 To add an additional -- I'll use Ramadan, for instance. When

1 that happens, that's escalated to 8:30, 9:00 o'clock, the
2 staff. So could it be done after hours? Yes. But Ramadan is
3 done at that time because that is the time the sun sets.

4 So I don't know in reference to what this request is about
5 what time of day this is referencing to. All I know this is a
6 specific meal.

7 We actually had some serious conversations around this in
8 reference to it and it's not part of the tenets of the faith
9 and that's why we are saying no.

10 It doesn't have anything to do with the cost, I'll go back
11 to that, or the fact of the logistics of what we have to do.
12 It's the tenets of the faith that is not meeting that measure
13 for us and that's our bottom line.

14 MS. GRANDE: I don't have anything further.

15 THE COURT: Anything else?

16 MS. MILES: No, Your Honor.

17 MS. GRANDE: The defense rests.

18 I apologize. I circled, Amy, that I have identified
19 Exhibits 11, 12 and 13, and I would like to collectively move
20 them in at this time.

21 THE COURT: They'll be received.

22 (Defendant's Exhibit Nos. 11, 12, 13 was admitted into
23 evidence.)

24 THE COURT: Let's take a recess until 5:25 and then
25 I'll hear closing argument.

1 (The proceedings were recessed at 5:14 p.m. and reconvened
2 at 5:25 p.m.)

3 THE COURT: I'll hear argument first from the
4 plaintiff.

5 MS. MILES: Your Honor, thank you for your time and
6 attention.

7 This is a clear case regarding Mr. Anthony Wright's
8 inability to practice the tenets of his faith in Rastafarian
9 with a religious significant meal and DPS's role and the
10 gatekeeper of permitting Mr. Wright in celebrating holy days,
11 Rastafarian holy days with a meal.

12 Under RLUIPA, Your Honor, Mr. Wright must first show
13 evidence of a religious exercise sincerely held within his
14 belief.

15 Mr. Wright testified that he seeks to celebrate four
16 holy days. Both Mr. Wright and Mr. Severin testified to the
17 importance of each holy day celebrated within Ba Beta Kristiyan
18 Church of Haile Selassie and Rastafarian community as a whole.

19 Dr. Price, defendant's own expert, even testified
20 that Rastafarians do celebrate holy days. It is important that
21 they gather communally.

22 Mr. Wright testified that leading up to the
23 celebration of holy days, as a tenet of his faith, he fasts in
24 order to spiritually prepare for that day.

25 You heard Mr. Severin testify about the importance of

1 celebrating holy days; and more specifically, the importance of
2 the religious significance of the meal provided for each holy
3 day. And both Mr. Severin and Dr. Price agreed that at least,
4 at the very least, November 2nd and July 23rd are holy days
5 within the Rastafarian faith.

6 Next, Mr. Wright must demonstrate that defendant's
7 policy substantially burden his religious exercise.

8 Both defendants and Mrs. Dunston presented testimony
9 regarding defendant's policies as a whole. The defendant
10 agreed there are no policies in place that allow Mr. Wright and
11 other Rastafarians to celebrate holy days communally with a
12 meal.

13 Mr. Wright testified that when he's unable to
14 celebrate these holy days, not only does it make him feel angry
15 but doesn't make him feel as if he is practicing the core
16 tenets of his faith, Your Honor.

17 What is clear here today is that defendants were
18 charged with the responsibility to research all religions,
19 including Rastafarian religion. That in doing their research,
20 instead of speaking with Ba Beta Kristiyan Church of Haile
21 Selassie and determining whether or not holy days with a meal
22 is religiously significant, they chose to disregard that
23 portion of that research.

24 Your Honor, Mr. Wright has satisfied his burden. The
25 burden is now on the defendant.

1 Under RLUIPA, the defendants must show that they have
2 a compelling governmental interest and that the burden placed
3 on Mr. Wright's religious exercise is the least restrictive
4 means in achieving that alleged compelling interest.

5 The defendants have alleged the compelling interest
6 in cause, security and staffing concerns; however, DPS's policy
7 is under-inclusive, Your Honor, because it allows for some
8 religious groups to celebrate holy days with a meal while not
9 allowing other religious groups with a core tenet to celebrate
10 religious holy days with a meal.

11 When there's an under-inclusive policy, Your Honor,
12 there's a presumption that DPS's interest is not compelling
13 because it's clear that they already have policies and
14 procedures in place that would allow them to establish the
15 celebration of holy days with a meal for Rastafarians.

16 In any case, the complete depravation of celebrating
17 holy days with a meal for Rastafarians is not the least
18 restrictive means in allowing -- in furthering their alleged
19 compelling government interest.

20 Both defendants and Ms. Dunston has testified that
21 there are system-wide policies in place for American Indians,
22 Muslims, Jews, MSTA practitioners to celebrate holy days with a
23 meal.

24 You heard Mr. Parrish, a Muslim faith helper at
25 Central Prison, testify that he's able to celebrate Eid al-Adha

1 and Eid al-Fitr both with a meal. In any case, he's allowed to
2 -- DPS permits him to have volunteers or use the Zakat fund to
3 provide for their meals. Whenever the Zakat fund or a
4 volunteer is unable to provide the meal for Muslim inmates, DPS
5 policy allows the Muslim to still allow them to gather
6 communally and receive their regular food tray.

7 The defendants have pointed out that there's a lack
8 of volunteers for the Rastafarian community, and that's true,
9 Your Honor. However, Mr. Wright has testified he does not
10 expect DPS to fully fund the holy days with a meal. He has
11 suggested an alternative that includes similar fundraising
12 efforts, such as the Inmate Service Club. And at the very
13 least, the prison could allow Mr. Wright the opportunity to
14 gather communally with other Rastafarians and provide him with
15 the regular food tray.

16 Lastly, Your Honor, to the extent that Mr. Wright's
17 religious exercise is substantially burdened under the First
18 Amendment, he's entitled to monetary damages.

19 Thank you.

20 THE COURT: Thank you.

21 Ms. Grande?

22 MS. GRANDE: Your Honor, we're here today to decide
23 whether the current policies of DPS in not allowing Rastafarian
24 inmates to have communal feasts impose a substantial burden on
25 Mr. Wright.

1 Mr. Wright did not prove that today. He cannot
2 demonstrate more than an inconvenience to his practice. You
3 heard testimony from his expert that the foods laid out in the
4 exhibit they submitted are not required to be eaten. For
5 example, vegetarians and vegans can consume other foods; that
6 the practices are largely individual.

7 Mr. Wright testified himself that when he moved to
8 North Carolina he didn't have the resources to attend a mansion
9 or tabernacle or a temple for Rastafarian practices and that he
10 would observe on his own.

11 DPS policies don't prohibit inmates from observing
12 individually and on their own.

13 We have not caused him to modify his behavior in any
14 way and violate his beliefs.

15 There is no substantial burden if a government
16 practice simply causes an exercise to be more difficult or to
17 be inconvenient, but doesn't pressure to modify his behavior in
18 some way.

19 We don't have an affirmative duty to provide every
20 inmate in every prison every religious accommodation that he
21 asks for. *Cruz versus Beto* says that we do not have to treat
22 all religious groups the same. We treat groups that require
23 religious meals, feasts as a tenet of their faith, commonly
24 accepted tenet amongst Shias, Sunnis, MSTAs, which is a branch
25 of Islam. We provide them because they are required by their

1 faith practice. Indisputably across all sects and
2 denominations of that faith practice are required. That's when
3 we provide the meals.

4 We do not provide them simply because an inmate
5 asserts he belongs to some offshoot or some personal
6 interpretation of Scriptures that requires him to consume some
7 feast.

8 There's expert testimony that was presented today
9 that feasts are not a commonly accepted, commonly required
10 component of a religious celebration.

11 While they are present at a religious celebration,
12 you heard Dr. Price explain in context it's because of a matter
13 of convenience and sustenance and fellowship of the Rastafarian
14 faith. It is not a, quote, breaking of the bread or
15 consumption of the wine as it were a communion host or a Seder
16 plate. It is not something that is set out by commonly
17 accepted principles.

18 You heard testimony that in 1987 Abuna Foxe developed
19 a specific sect of Rastafarianism and then used his position as
20 a Rastafarian chaplain within the Department of Corrections in
21 New York to proselytize to inmates and other chaplains and
22 spread his brand, if you will, of Rastafarianism. He now views
23 that as the exclusive brand or true form of Rastafarianism that
24 is only acceptable.

25 It is no fault to Mr. Wright, it's all he's ever been

1 exposed to. He testified he was not a Rastafarian prior to
2 going to prison in 2003 and that he was baptized as a
3 Rastafarian.

4 You heard Dr. Price testify there are no sacraments,
5 there is no baptism, there is no initiation. There is only a
6 personal devotion and a personal discipline to adhere to the
7 tenets of the faith.

8 DPS restrictions serve a compelling, legitimate
9 governmental interest even if there were substantial burden,
10 which we dispute that there is, even if there were, we have
11 interest in preserving security concerns, such as inmate
12 movements, staffing patterns, contraband control. We have
13 cost, financial resources that have to go into consideration,
14 payment of overtime, payment of staff for additional services,
15 payment for the meals themselves. You heard estimated an
16 approximate half a million dollars per year to accommodate
17 nearly 3,000 inmates, Rastafarian inmates that we have. The
18 administrative burden of planning all of the services and all
19 of the meals, the logistical burden of planning times, when the
20 chow hall might be empty, but then also there's a program room
21 empty to be able to have the prayer service and have the meal
22 all at one time.

23 And is the policy of not allowing inmates to have
24 communal feasts applied uniformly and consistently? Plaintiff
25 allege that it's not. We allege it's not a policy of a total

1 prohibition of communal meals consistently. It's a prohibition
2 of communal meals for faiths that don't require them. And
3 Rastafarian, traditional Rastafarian principles do not require
4 communal feasts, so we do not offer them.

5 We do not offer them for Wiccans, we don't offer them
6 for Asatru, we don't even offer them for Christians because it
7 is not a required practice in the Christian faith, just like it
8 is not a required practice in the Rastafarian faith.

9 As far as damages, you've heard testimony that no
10 specific defendant intentionally or personally impeded on
11 Mr. Wright's abilities to observe his religious precepts or to
12 engage in his religious practices. No one intended to prohibit
13 him or violate his rights. Therefore, they are entitled to
14 qualified immunity. They were operating in the parameter of
15 their jobs and responsibilities. It precludes him from being
16 able to recover monetary damages against them in their
17 individual capacity.

18 These defendants responded reasonably to Mr. Wright's
19 requests. They attempted to accommodate him within the
20 parameters of their authority. Like Chaplain Stratton
21 testified, he requested an additional prayer service, she
22 attempted to accommodate that. What she couldn't do was
23 accommodate him with a feast because it's not required by the
24 faith and it's outside her authority to do it.

25 Mr. Wright hasn't stated a claim for equal protection

1 here; that is not within the considerations of what we're
2 addressing here today. He hasn't stated a claim alleging
3 dispirit treatment or retaliation with regards to his transfer
4 to Tabor CI. That's not what we're here about today.

5 Again, as Director Lassiter testified, we're not in
6 the business of stopping inmates from engaging in their
7 religious practices. The states have a vested interest in
8 allowing them to engage in their religious practices because
9 the inmates stay occupied, have some outlet for social and
10 moral purposes, and they also demonstrate a better
11 self-restraint or self-discipline and become hopefully more
12 well-behaved inmates was the implication from his testimony.

13 If it were required, the State would make the
14 accommodations that it could, as Mr. Lassiter testified, but it
15 is simply not a commonly accepted required practice.

16 And therefore, Your Honor, he has not demonstrated a
17 substantial burden; and even if he has, we have a compelling
18 governmental interest in administering and adopting and
19 implementing policies of general applicability to all inmates,
20 general applicability to all Rastafarian inmates, general
21 applicability to all Islam inmates and not adhering to any one
22 particular sect, and the law doesn't -- RLUIPA doesn't require
23 us to cater to any one particular sect over another.

24 THE COURT: I'm going to take it under advisement. I
25 think I'll probably end up writing an order -- well, findings

1 and conclusions. It's conceivable I can call you back some day
2 and read those. I do that sometimes in bench trials, but I
3 think I'll probably write an order with findings and
4 conclusions.

5 So I'll take it under advisement. I do thank counsel
6 for their work.

7 We'll be in recess until tomorrow at 3:00 p.m.
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9 (The proceedings were recessed at 5:41 p.m.)
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1 UNITED STATE DISTRICT COURT
2 EASTERN DISTRICT OF NORTH CAROLINA
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5 CERTIFICATE OF OFFICIAL REPORTER

6 I, Amy M. Condon, CRR, CSR, RPR, Federal Official Court
7 Reporter, in and for the United States District Court for the
8 Eastern District of North Carolina, do hereby certify that
9 pursuant to Section 753, Title 28, United States Code, that the
10 foregoing is a true and correct transcript of the
11 stenographically reported proceedings held in the
12 above-entitled matter and that the transcript page format is in
13 conformance with the regulations of the Judicial Conference of
14 the United States.

15
16 Dated this 25th day of June, 2018.

17
18 /s/ Amy M. Condon
19 Amy M. Condon, CRR, CSR, RPR
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